

RELIGIOUS PERSECUTION

"In this respect, Religion, according to common practice in many sects, may be compared to that sort of courtship of which the fair sex are known often to complain. In the beginning of an Amour, when these innocent Charmers are first accosted, they hear of nothing but tender Vows, Submission, Service, Love. But soon afterwards, when, won by this appearance of Gentleness and Humility, they have resigned themselves and are no longer their own, they hear a different Note, and are taught to understand Submission and Service in a sense they little expected. Charity and Brotherly Love are very engaging sounds; but who would dream that out of abundant Charity and Brotherly Love should come Steel, Fire, Gibbets, Rods, and such a sound and hearty application of these Remedys as should at once advance the worldly greatness of religious Pastors and the particular interest of private Souls, for which they are so charitably concerned?"—Shaftesbury's *Characteristics*, vol. iii., p. 115.

# RELIGIOUS PERSECUTION

A STUDY IN POLITICAL PSYCHOLOGY

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REFERENCE

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*Dedicated to*  
HERBERT FISHER, Esq.,  
FELLOW OF NEW COLLEGE, OXFORD

*Presented by*  
P. SOUTTER, Esq.,  
A.M.I.C.E.,  
OF  
BANGALORE CITY.

*(Sometime Deputy Chief Engineer  
to the Calcutta Port Commissioners.)*

1921.

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## PREFACE TO THE FIRST EDITION

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I FEAR that some apology is due to the reader for the publication of the following essay in its present form. The subject has always fascinated me, and I began writing on it when an Oxford undergraduate in 1899. My essay is an attempt to illustrate historically certain aspects of religious persecution and toleration which have not, I think, been sufficiently realised either by statesmen or historians. The clear perception of these aspects would probably make the adjustment of the relations between Church and State in our own day easier and more satisfactory. For example, it would be well for all to appreciate that a Church is not necessarily liberal because it is dissociated from the State, and, *vice versa*, that a new country is not necessarily tolerant because it is new ; that a creed of political compromise containing a number of religious oddments may fail to please all parties ; and other truths which must vitally affect the legislator's point of view.

The late Professor Ritchie, who with most rare generosity read and revised the manuscript, advised publication on these grounds, although he wished me to extend the latter part of the work as from the sixteenth century to a general survey of European history, instead of limiting it to the British Empire and United States. This might certainly be done with advantage, but the example of the late Lord Acton's projected but never achieved history of Liberty is a permanent warning against the enlargement of a scheme already more extensive than any one writer can well undertake. There are many respects in which I should have liked to improve the form and scheme of the book, and also adapt it better for the use of the general reader as opposed to the student ; but the claims of business on my time and strength are far too exacting to allow me to carry out my ideal, or even to keep my work sufficiently up-to-dâte by the revision that lapse of time necessarily demands. My genuine belief that the subject here discussed ought to be discussed must be my one excuse not only for publication, but also for all imperfections of form which a professed writer of books with a proper amount of leisure would, in my place, have been able to eliminate.

It is perhaps a commonplace that the best things in life are given away

without any idea of recompense or return. I certainly find it difficult to express my gratitude to those who have spent precious time and labour in helping me with this book. I should specially mention Mr. Herbert Fisher, who first encouraged me to write it, and subsequently revised it and suggested various alterations and interpolations. I have before alluded to the kindness, which I can never forget, of the late Professor Ritchie, and I must further acknowledge the most valuable aid of his colleague, Professor Herkless, and also of my friend Mr. Hilaire Belloc, who most generously exerted his versatile sympathies and wide learning in advising me on a work which, I fear, cannot be altogether congenial to a Catholic. The late Mr. Harris Nicolas, C.B., Mr. W. H. Forbes, and Mr. R. Vernon have also been good enough to read the book and make interesting suggestions.

My thanks are due to Mr. Joseph McCabe for reading the proofs and compiling the index.

*August, 1904.*

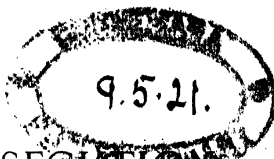
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## PREFACE TO NEW EDITION

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THE opportunity afforded by the issue of a more popular edition has enabled me to correct some obscurities, and to insert some further passages elucidating my argument. In this connection I particularly wish to acknowledge my obligation to Mr. Forbes, whose admirable notes on the margin of his presentation copy have greatly assisted me. I may perhaps be permitted to express my pleasure at the interest displayed in my book at a time when serious discussion seems less popular than it was a generation ago, and also at the most appreciative criticism it received from ecclesiastical periodicals.

*August, 1906.*



# RELIGIOUS PERSECUTION

## INTRODUCTORY

### THE SCEPTICAL SPIRIT OF MODERN TOLERATION

"THE natural history of toleration is one of the most complex of all topics that engage either the reasoner or the ruler," writes Mr. John Morley in his life of Oliver Cromwell. Contemporary thinkers, like Sir Leslie Stephen, Professor Ritchie, and Sir Frederick Pollock, have appreciated the complexity of the problem—in so far as it involves manifold phases of human psychology and political science—but they have only touched on it occasionally and incidentally. Writers like Mr. Lecky and Mr. Andrew White have treated historically certain landmarks in the growth of free intellectual investigation, but have not dealt very adequately with the political side of the matter. A careful examination of the processes which have made toleration possible and practicable may be of use in showing not only some still active tendencies of human thought and action, but also the permanency of those elements in human nature.

There are many points of view from which religious toleration may be regarded, and it is well, perhaps, to begin by considering the most important. At the outset of an inquiry into the possibility of toleration, we are met with the time-worn discussion as to the interdependence of toleration and scepticism. Does scepticism give rise to toleration, or *vice versa*, or are we to regard simultaneous

manifestations of each as both originating from some other cause—such as, for example, social or political necessities?

The school of Buckle and Mill, and its later representative Mr. Lecky, have somewhat obscured the controversy by assuming that the spirit of toleration can spring only from an entirely conscious scepticism and indifference to religion. "Once take away the belief in exclusive salvation," they argue, "and toleration is assured. Advocates of toleration are *ipso facto* sceptical." This theory overstates the case in two ways, for it at once assumes too elaborate a train of reasoning on the part of the persecutors, and it takes no account of the noblest argument for toleration. I will deal with these two points separately.

In the first place, then, let us try to understand the persecuting attitude. The mass of men, even in the so-called "ages of faith," are not inclined to exercise their minds about the problems of the universe, simply because they spend far the greater part of their energies in earning their daily bread. At certain crises in their lives, however, they need some kind of philosophy which will co-ordinate and rationalise their emotions and imagination. Such circumstances as the appeal to human veracity in law courts, the solemnisation of

marriage, bereavement and the fear of death, bring them momentarily face to face with the fundamental facts of human existence, and, as they have little time to themselves to reflect upon the meaning of it all, they leave the business of interpretation to a body of men who, in some respects, combine, or ought to combine, the intellectual functions of lawyers and philosophers.

It is not in the nature of the average man to speculate, nor is it good that all should lead contemplative lives. As Goethe once said to Eckermann, such a belief as the belief in a future life should never be so strong as to interfere with men's normal and necessary activities, and thus clog the wheels of human energy. But the popular acquiescence in the philosophy of life formulated by the ministers of religion must not be rashly disturbed. Disputations on accepted truths, coloured as they are with all the memories and forebodings of the great crises in human life, are naturally unwelcome to the majority of men. They have much emotional, but usually very little intellectual, energy left after the day's toil; in religion, as in politics, the emotions and the imagination predominate in the formation of public opinion. And the heretic—often lacking in tact and in a sense of proportion—is as offensive to the believer as one who should rudely tell him that his doctor was a quack and his solicitor a swindler.

For the priest, above all, toleration is necessarily a hard virtue. One ought not to lay great stress upon the old argument of the Hallam and Macaulay school as to the strength of vested interests, though it has a certain historical importance, because the priest must subsist somehow.<sup>1</sup>

<sup>1</sup> It is not unfair, however, to quote the case of Dr. Middleton, who, writing to Lord Radnor, in 1750, in respect of his famous work on Miracles, admits frankly enough

Vested interests are, after all, merely a secondary factor. But in the priest the emotional bias of the ordinary man has tenfold strength. By a natural process, men who cling most to the instinct of veneration for the past, and of enthusiastic obedience to present authority, are drawn to the priesthood. They are often most amiable and deserving persons; but their very strength of conviction and inaccessibility to plain reasoning in certain matters makes real tolerance for them extremely difficult. Indeed, they have often frankly admitted, especially in these days, that supernatural truths are bound up with the heart and not with the head.

The psychology of this attitude has been most felicitously sketched by Emerson, in his essay on Self-Reliance: "Every new mind is a classification. . . But in all unbalanced minds the classification is idolised, passes for the end and not for a speedily exhaustible means, so that the walls of their system blend to their eye in the remote horizon within the walls of the universe. . . They cannot imagine how you aliens have any right to see . . . how you can see!"<sup>1</sup>

Perhaps the best analogy to the attitude of the persecutor is the spontaneous yet blind abhorrence felt for acts and opinions which are probably connected with a certain amount of mental aberration—e.g., anarchism or sexual abnormality; and the same incapacity for rational contemplation of another point of view, however odious, has also characterised many heretics who have hopelessly exaggerated a side issue at the expense of the whole, and have subsequently persecuted their

that he would never have given the clergy any trouble, had he received some good appointment in the Church.

<sup>1</sup> *Essays* (Everley edition), Macmillan, 1899, pp. 64, 65.

opponents with the same rigour as their predecessors.

We have seen that the persecuting spirit may co-exist with an absence of very definitely formulated convictions, and, conversely, it would obviously be absurd to classify all advocates of toleration as sceptics, for this would involve putting men like Socrates, Milton, and Diderot into the same category as Pyrrho, Hobbes, and Montaigne. The latter class of men are, on the whole, indifferent to abstract truth, and therefore not inclined to quarrel about it, whereas the former class are enthusiastic enough to welcome disputation in all its forms, and to desire that it should be conducted without any fear of unpleasant consequences. Rarely, indeed, may one find the most genuine champion of free thought entirely consistent. Milton, for example, could hardly be accused of advocating the root-and-branch destruction of contemporary persecution; for, indeed, he defended, on political grounds, the persecution of Catholics, though he certainly did plead, in theory, for the extension of free discussion from the region of politics to that of theology.

To hold that toleration need not be consciously sceptical does not, however, necessitate admitting that it has ever existed without a sceptical foundation. In an ideal society no opinions will be condemned without an exhaustive discussion of their merits; but as human nature is at present, and always seems to have been, constituted, men have no time or inclination for such discussion; and were one to traverse the country preaching the duty of parricide on evolutionary or other grounds (and it might be preached as plausibly as any other doctrine), one would not meet with retorts either syllogistic or courteous. In fact, the law would treat such an apostle as a disturber of the peace. Quite recently a magis-

trate declared that the sight of a lady publicly smoking a cigarette was calculated to promote a breach of the peace.

A perfect toleration could no doubt exist in a Spencerian millennium; but, as yet, we must reckon with our own kind, and men, as we know them, will not endure a really free discussion of matters they think all-important.<sup>1</sup>

So far I have dealt with the purely individual aspect of the problem. But it is further complicated by all those social and political obstacles to the growth of toleration with which the historian is primarily concerned. In the crises of men's lives theology has its social as well as its individual activities. Hence the sanctions of law and government are clothed with theological vestments—being the outward and visible signs that are needed

<sup>1</sup> Dr. Johnson explained this with his superlative common sense. "No, sir, every man will dispute with great good humour upon a subject in which he is not interested. I will dispute very calmly upon the probability of another man's son being hanged; but if a man zealously enforces the probability that my own son will be hanged, I shall certainly not be in a very good humour with him." Murray: "But, sir, truth will always bear an examination." Johnson: "Yes, sir, but it is painful to be forced to defend it. Consider, sir, how should you like, though conscious of your innocence, to be tried before a jury for a capital crime once a week?" From another point of view he explains, psychologically, Hobbes's well-known apophthegm as to the burning of books dealing with vested interests: "Nobody attempts to dispute that two and two make four; but with contests concerning moral truth, human passions are generally mixed, and therefore it must ever be liable to assault and misrepresentation" (vol. iv., Dent's edition, London, 1897, pp. 12-17). He sums up the question (in a conversation reported by Boswell as taking place four years later) as follows: "Every man has a right to utter what he thinks truth, and every other man has a right to knock him down for it. Martyrdom is the test" (vol. v., p. 154). This verdict, with certain reservations and qualifications, really hits the nail on the head.



by most men to symbolise an inward and invisible grace. Man, the inveterate idealist and idolater, cannot dispense with external trappings.

Thus he comes to believe that the expression can only take one form, and that this form is essential to the thing expressed. The symbol becomes to him the keystone of the social fabric. Such a thing cannot be a subject either for discussion or experiment. Its existence is an indubitable premiss from which all reasoning must start. Children must be taught that doubt of its existence is as insane as disbelief in the existence of an external world. A Socrates who attempts to reason on such matters must be treated as a dangerous lunatic, if not as a fiendish criminal. Much more, then, is a heretic, who actually attacks that by which all must stand or fall, to be treated as an anarchist and an enemy of the human race.<sup>1</sup>

<sup>1</sup> No better concrete example of this state of mind can be found than in the present state of English opinion in regard to the law of marriage and divorce. On the strength of a venerable misreading of certain Biblical texts, the employment of Parliamentary chicanery to prevent the passing of the Deceased Wife's Sister Bill is publicly condoned, and a Bill recently introduced into the House of Lords to make wilful desertion a cause for divorce (as it is in Scotland and every Protestant country but England and a few of her Colonies) received only four votes. The very discussion of the latter proposal seems to be tabooed, though it would now be the law of the land but for the early death of Edward VI. The Catholic objection to allowing any divorce at all is at least logical; but the present attitude of the British public is no more enlightened than that of the medieval barons who rejected the equitable provision of the Canon Law that enabled parents to legitimate their children by subsequent marriage, stoutly refusing to change the law of the land because it was English. "*Nolumus leges Angliæ mutare*" is not a very intelligent answer to proposals for reform, but it instructively illustrates the workings of the orthodox mind. The *Times* (in a leading article of April 30th, 1906, on the admirable suggestions for legal reform recently made

Those who, like the late Dr. Creighton, wish entirely to dissociate toleration from scepticism, use very plausible arguments to prove (1) that persecution is entirely a thing of the past; (2) that the religious toleration of our own times is in no way connected with indifference.

Let us first deal with Dr. Creighton's own view, as expressed in his *Hulsean Lectures* (1893-4). Of medieval persecution, with which he chiefly concerns himself, he writes: "The infliction of punishment for erroneous opinions was adopted by the Church .....when the Church accepted the responsibility of maintaining order in the community, and disappeared when society became conscious that there was an adequate basis for the maintenance of political society on those principles of right and wrong which were universally recognised by its citizens apart from their position as members of any religious organisation." Of a similar kind are arguments popular with modern Protestantism to the effect that opinions have but little influence on conduct, that the spheres of Church and State nowhere coincide, and that public bodies should necessarily be undenominational. Such a severance of the temporal and spiritual seems

by the President of the Divorce Court) states that "the time has not come, if it ever will come, for removing all the anomalies which the President condemns," because some persons "object to divorce as a possible or alternative remedy" (for judicial separation). Such solemn tomfoolery in a leading journal exemplifies the odd veneration entertained in this country for the Catholic doctrines which, through a historical accident, remain part and parcel of our law, and which, by denying to a wife the right of divorcing an unfaithful husband, and to a husband the right of divorcing a wife who wilfully and maliciously deserts him, ingeniously vindicate religion at the expense of morality. The observance of the marriage contract in countries like Spain and Italy (where there is no divorce) must greatly edify the pious mind.

somewhat artificial. As reasonably might one separate theory and practice. If a Christian community were really convinced that it could ascertain the Divine Will on any given subject as easily as it can discover the will of a majority of its governing assembly, surely it would desire to act upon it.<sup>1</sup>

Dr. Creighton's attitude is really one of what I call "implicit scepticism," which in our own day takes the form of an inclination to believe that human problems must be decided on their own merits and without any immediate reference to other-worldly considerations. Let us take Oliver Cromwell's rejection of denominational tests for his officers as an instance. Dr. Gardiner's explanation of it is this: "To beat the King the best officers were needed, and how was he to get them if he was to reject this man as an Independent and the other as a Baptist? For the theory of toleration he cared little. An Episcopalian was to him as an enemy of Parliament and of God's; but among those who were the King's enemies his choice must be free."<sup>2</sup>

Most probably, however, this interesting train of thought would never have been suggested to Cromwell's mind had he lived as an East Anglian squire all his days. The exigencies of the situation developed a latent scepticism in regard to the claims of

religious bodies, of which he was barely conscious.<sup>3</sup> Such scepticism generally becomes explicit after toleration has been established, but hardly ever before, as any student of history will probably admit. Toleration is, in the first instance, forced upon men by the necessities of political compromise (which yet presupposes a strongly welded state), and tolerance — *i.e.*, the non-political acquiescence of society in religious diversities—is its ordinary and natural outcome. This process is only one example of the general law that neither a nation nor an individual is usually conscious of development till some time after it has really occurred.

Clearly, then, the current Protestant theory of toleration is at fault; but another line of argument may be taken up by those who believe strongly in modern progress. They will maintain that modern tolerance is not exclusively religious, but part of a wider feeling in favour of free speech. Our generation is much more cosmopolitan in its interests; it has much more intellectual curiosity; its democratic institutions and the growth of the press necessitate a larger freedom of discussion. Any kind of blasphemy, it will be urged, must be punished, since it is a verbal breach of the peace, and almost constitutes an appeal to physical force.

<sup>1</sup> The Rev. Joseph Rickaby, S.J., shows very well in his pamphlet on *Persecution* (published by the Catholic Truth Society) that the Protestant theory of Private Judgment in religious matters is only a degree less sceptical than the Agnostic attitude. The claims of the Catholic Church once granted, her treatment of baptised apostates is no more in the nature of persecution than the State's judicial punishment of criminals. Moreover, the Church has generally played a secondary part in persecution; the State has usually taken the initiative as more directly representing the community at large.

<sup>2</sup> *Cromwell's Place in History* (S. R. Gardiner), p. 30.

<sup>3</sup> I take the following example to illustrate what I mean by the distinction between implicit and explicit conclusions: In the Middle Ages, if two men were accused on equally strong grounds of criminal guilt, it was customary to condemn the uglier of the two. This was acting empirically and by instinct. Dr. Lombroso would probably justify such a choice, but he would argue that the uglier man was afflicted with some congenital malformation which was at once the cause and the symptom of his criminality. This would be acting, according to the hypothesis, in the light of a conscious process of reasoning. The medieval conclusion I call implicit, and Dr. Lombroso's explicit. (See *The Criminal*, by Havelock Ellis, London, 1895, p. 28.)

But people do not therefore regard blasphemy as an attack on something eternal; even while they punish they would often admit that they do so for the sake of order, and not to avenge immutable truth. The blasphemy they condemn may be to-morrow's dogma, and there is a genuine belief in the justification of intellectual as of political revolutions by success. The maxim, "*Magna est veritas et praevallebit*," is not without a historic irony; not only does truth prevail, but that which prevails is true.

There is much truth in this contention, and I believe that many new habits of thought and discussion tend very much in this direction. For instance, evolutionary theories justify the belief that intellectual variations from any given type must be allowed to exist, as a condition of progress, and that they can only endure in virtue of possessing an intrinsic worth. But, for all that, human nature does not greatly change; freedom of speech is "limited by human nature,"<sup>1</sup> and, as Shakespeare has put it:—

"Truth was never yet confirmed enough,  
Though doubts did ever sleep."<sup>2</sup>

Even though the modern state may no longer attempt to punish a citizen's suspected opinions, it will still severely punish the expression of them.

In contemporary France and Italy the State attempts to suppress the open co-operation of religious bodies;<sup>3</sup> in Spain the bishops are constantly urging the political extirpation of

Freemasons and Agnostics; across the Atlantic the Mormons have been stringently repressed; and in England legal penalties are enforced against Christian Scientists. "Conscientious scruples" cannot excuse crimes against the State or society at large. We do not all of us subscribe to the wisdom of the legislation of 1898 on vaccination.

Our own country is probably now one of the most tolerant in the world—especially in regard to those aspects of religion in which Continental countries are most intolerant. Since 1880 Secularist lectures gain a very fair hearing, and their meetings are rarely interrupted, though it is hardly a hundred years since Dr. Priestley, the Unitarian, had his library burnt in Birmingham by the mob for being an atheistic revolutionary. But no greater measure of tolerance was accorded to the pro-Boer meetings of 1899 and 1900 than to the orations of Mr. Holyoake fifty years before, and a policy of intolerance was deliberately sanctioned by some of the authorities at the time.

Considering all these circumstances, it would certainly be odd if modern toleration of religious heterodoxy were entirely unconnected with a tendency to take religion less seriously; and many so-called religious disputes do not really give rise to the discussion of ultimate truths. The clerical parties in France and Italy mainly represent a strong political opposition, and many of their foremost supporters are avowedly not strong believers. In some cases their action amounts to actual conspiracy against the existing form of government. Hence they are regarded in those countries much as the extreme Irish Nationalists were at one time regarded in England.

The practical exclusion of religion from European politics is well illustrated by the recent non-participation of the Pope in the Peace Conference

<sup>1</sup> The same argument has been used to show the futility of trying to protect society by legislating against such heretics as Anarchists. "The fabric, however, will outlast its assailants. For society is founded not on convention, but human nature; and this may be trusted to assert itself, theorise as men will" (*Edinburgh Review*, April, 1902, p. 513).

<sup>2</sup> *Pericles*, Act V., Scene 2.

<sup>3</sup> It may be noted that the French legislation of 1901 concerning religious associations was merely a revival of similar enactments in Portugal in 1834.

at The Hague, and by the established paramountcy in Continental States of citizenship as compared with membership of any religious body.<sup>1</sup> Even in an almost homogeneously clerical State like Belgium the Catholic universities are supported by voluntary contributions.

It may finally be argued that the State sanctions of government are no longer avowedly religious because modern men have become stolid and unimaginative. On the contrary, I believe that modern democracies are more strongly swayed in politics by appeals to the imagination than the communities of past times, and that statesmen consciously use this leverage on a larger scale than before. In the United States politicians use more rhetorical and sentimental language every year, and the same tendency is apparent in Europe. The Jubilee procession of 1897, and the coronation of Queen Wilhelmina in 1898, aroused extraordinary outbursts of enthusiasm in nations commonly considered more phlegmatic than the Latin or the Slav peoples.

On all these grounds it seems probable that modern toleration is intimately bound up with the sceptical or inquiring spirit, and that there is some historical continuity in the process. The primitive tribe and the ancient city-state were theocracies pure and simple; even the Greek city was a "parochial Sinai." To some extent Christianity reinforced, and was helped by, the universality of

Stoic philosophy in revolting against this, and set up the individual conscience as the supreme arbiter for men. It substituted an other-worldly jurisdiction for that of the State. "My kingdom is not of this world" is the keynote of Christ's teaching. The partial success of this new idea is seen in the birth of the Papacy, as it were, out of the rib of the Empire. The imperial and papal jurisdictions had many points of contact, but they were far from coinciding. The attempted revivals of a Judaic theocracy under Calvin, and of a Roman theocracy under Henry VIII. and the German Protestants, were in course of time diverted into purely political channels, and in the seventeenth and eighteenth centuries most European States insisted on outward conformity in religious matters only for the sake of political and civic unity. For the genuinely religious energies of the Reformation movement were ultimately absorbed in laying the foundations of modern democracy on the fundamental principle of the congregational unit in England, Scotland, and France, and in exalting the authority of the magistrate at the expense of the priestly office in the North German and Scandinavian countries. The net result was that in the seventeenth and eighteenth centuries these States emphasised the merely legal aspect of religious conformity, and endowed their Churches with the idea of thus economising their expenditure on police. The establishment of a religiously neutral commonwealth across the Atlantic by the Federation Act of 1783, and the subjection of the Church to the State in France by Napoleon I., marked a

<sup>1</sup> There is certainly a strong persecuting spirit in countries like Russia and Roumania; but this seems more a matter of race hatred than religious disputation. The *odium theologicum* of the world seems now to be confined to the East (*vide* Sir Alfred Lyall's extremely suggestive article on "Race and Religion" in the *Fortnightly Review*, December, 1902). There is still, I am told, a good deal of genuinely religious persecution in Spain, but the new anti-clerical movement there is beginning to be an effective counterblast.

<sup>1</sup> I mean by this expression that Henry VIII. constituted himself head of the national church, just as the Roman Emperor was *Pontifex Maximus*, as opposed to the Jewish theocracy, in which the priestly power was, originally in theory and always in fact, paramount.

new era. In the English-speaking world of to-day (with the present exceptions of England and Scotland, and possibly India) the Churches are voluntary organisations entirely separate from the State, and in Continental Europe Napoleon I.'s policy has been almost universally carried out. An impartial view of the history of European civilisation seems to justify the belief that the theocratic ideas and ideals of the State are doomed to extinction, and, on the other hand, that men will more and more come to recognise the intrinsic sanctity of human rights and duties.

This is the process of which I try to give some outline in the following chapters; but my object is not only to attempt a historical sketch of the growth of toleration in the civilisation of Western Europe and its outgrowths, but also to demonstrate that in general the political phenomenon known as religious toleration has necessarily a sceptical basis, or is, at least under the known conditions and limitations of human nature, invariably, though usually subconsciously, associated with a sceptical attitude in society.

The underlying theories of the causes of persecution and toleration are not really new; but a historical sketch of how the theories were worked out may be of some value, even if it is likely to be more suggestive than convincing. Sir Frederick Pollock has already given an epitome of this process in one of his essays,<sup>1</sup> but his divisions are perhaps too rigid. He classifies the theories of persecution as tribal, political, theological, and social, and ascribes each theory to a certain period of history. But he does not point out how these theories often converge at all periods of persecution.<sup>2</sup> For instance, the

Parliamentary debates on the Bradlaugh episode contain the expression of all these theories.

I must add, by way of explanation, that, for purposes of convenience, I have used the word "religion," in conformity with popular usage, to denote any form of theistic belief—i.e., the belief in a personal God and in a personal immortality. Nearly all European writers use the word in this way, though, in dealing with Oriental religions, they extend the use of it to pantheistic and other non-theistic beliefs. Thus Mr. Bryce, in his chapter on the influence of religion in America, avowedly uses the word in this sense, and his example is only one out of many. I do not myself at all agree with this restricted meaning of the word, and would rather adopt the admirable definition of the late Professor Wallace, "A belief in an ultimate meaning of the universe," which, of course, need not necessarily be theistic, though it is not incompatible with the aspiration in Dante's lines:—

"Parere ingiusta la nostra giustizia  
Negli occhi dei mortali, è argomento  
Di fede, non d'eretica nequizia."<sup>3</sup>

The best concrete illustration of such an attitude is contained in Stevenson's essay, "Pulvis et Umbra."<sup>4</sup> At the same time, the difficulties of terminology involved by the constant verbal distinctions I should have to make

Toleration, in his volume *Natural Rights* (London, 1895). He justly points out that "theological persecution has always been more an ecclesiastical ideal than a historical fact" (p. 182).

<sup>1</sup> *Paradiso*, Canto IV., 67-69. The late Sir Leslie Stephen gives a longer but quite as valuable and comprehensive a definition in his *English Utilitarians*: "It (religion) implies a philosophy and a poetry; a statement of the conceptions which men have formed of the universe, of the emotions with which they regard it, and of the ethical conceptions which emerge" (Op. cit., London, 1900, p. 506).

<sup>2</sup> Contained in the volume entitled *Across the Plains*.

<sup>1</sup> Published in the volume entitled *Essays on Jurisprudence*.

<sup>2</sup> For an excellent criticism of this essay vide the late Professor Ritchie's Essay on

have induced me to conform to the popular terminology.<sup>1</sup> Sir John Seeley, in his book on *Natural Religion*, invariably uses the word to express his own meaning; but this often makes his opinions obscure to

the general reader. I consider it necessary to make this foregoing explanation, because otherwise the whole trend of the following chapters might be open to grave misunderstanding.

<sup>1</sup> The mere fact that non-theistic religion has not yet attained a ritual of its own in Occidental civilisation has produced in the popular mind a conviction that it cannot exist. The Comtist services in Fetter Lane have certainly not been very successful, but there is no absolute reason why a non-theistic ritual should not exist. A certain percentage of modern churchgoers undoubtedly choose to interpret the services in their own way, and it is not *à priori* impossible that old liturgies may be gradually adapted to new needs. As it is, the Athanasian creed and prayers for rain seem to be dropping out. Cf. Renan's description of Buddhism: "Matérialisme, scepticisme, athéisme, tel est donc le résumé de ce qu'on peut appeler le buddhisme des livres" (*Nouvelles Etudes Religieuses*, p. 77). "Cette religion athée a été éminemment morale et bienfaisante. C'est le catholicisme sans Dieu" (*ibid.*, p. 86). Cf. too this eloquent description of Confucianism: "Humanity.....is a Being spiritual and eternal, manifesting itself in time in the series of generations. This Being is the mediator between heaven and earth, between the ultimate ideal and the existing past. By labour incessant and devout, to raise earth to heaven, to realise in fact the good that as yet exists only in idea—that is the end and purpose of human life, and in fulfilling it we achieve and maintain our unity each with every other, and all with the divine. Here surely is a faith not unworthy to be called a religion." The subsequent criticisms of modern Christianity seem to me irrefutable. (*Letters of John Chinaman*, London, 1901, p. 44.)

## CHAPTER I.

### PERSECUTION FROM THE EARLIEST TIMES UP TO THE TIME OF THEODOSIUS

THE first step to any kind of religious toleration in Europe was taken by Rome, with the sole object of establishing a political compromise which should unite the heterogeneous elements of the Roman Empire. This achievement was rudely disturbed by Christianity, which implicitly and explicitly opposed the imperial system by creating in this world, and projecting into the next, an ideal and a society for which no sort of niche could be found in the State as then understood. But the advance of Christianity brought it into such close association with the Empire that for the time being the distinctive

theory of its independence of political society was merged in the Roman theory of a State religion. After a period of unstable equilibrium, in which the Empire attempted to preserve a neutral attitude, the old system revived, with the result that the pagans were persecuted just as the Christians had been. Not till the end of the eighteenth century did the Christian idea realise its true self on a large scale in the complete separation of Church and State in the newly-founded States of America.

In European civilisation, however, there has always been a gradual advance to the separation, real

or nominal, of Church and State.' This separation was never at all durable before the existence of medieval Europe, when Jews and other aliens were allowed certain rights of citizenship. The medieval

<sup>1</sup> I shall trace this process as thoroughly as I can, because it happens to have coincided with the rise of toleration in the history of the civilisation of Western Europe. But at the outset I would strongly maintain that the complete separation of Church and State is not, in my opinion, a final solution, and that there is no *necessary* connection between this and the existence of toleration. For instance, in purely religious matters there has been much more toleration in England than in the United States for the last hundred years, and I think this is still the case, notwithstanding the relics of a barbarous theology that still deface our Statute Book. The person who does not attend church is, I believe, regarded with less suspicion in England than in most of the American States. In these matters the general will of the community, whether expressing itself through Church or State, or through society as opposed to either, is the ultimate test. Thus, in eighteenth-century Ireland, the detestable penalties imposed on Catholics by the British Government were, in most parts of the country, a dead letter; and in reading old statutes one must always recollect that the violence of the enactment is often proportionate to the difficulty of enforcing it. Where persecution has succeeded, it has usually been the expression of the general will. England is a striking exception in modern history to the rule that toleration is conditioned by the separation of Church and State. I believe that this is due to two causes: (1) That from the earliest times English Churchmen have always been more statesmanlike and less out of touch with the general feeling of the nation than most ecclesiastics; (2) that Henry VIII., alone among his contemporaries, succeeded in so harmonising Church and State as to achieve the predominance of the State. The English Church is almost alone among the Churches in having preserved a tradition of tolerance and comprehension. Names like Pecoock, Hooker, Chillingworth, Hoadley, and Swift (not to mention Creighton and Stubbs in our own time) are unique in ecclesiastical history. These men were not logicians, but they were all statesmen in the best sense of the word. The historical reasons for this development of the English Church I have tried to analyse and enumerate in the chapter on "Sixteenth-Century Europe."

Pope was an offshoot from the Roman Emperor, who had himself exercised the functions of Pontifex Maximus among many others. Up to this time there could be no such separation, for the simple reason that the Church was the State and the State was the Church; for example, the kings in Sparta and in the earlier Jewish community were virtually priests, or else had the priests in a close alliance that bordered on subjection. Again, in Egypt, where the priests themselves had great power, they were, like other functionaries, appointed by the king, who also initiated fresh ritual; for example, under the second dynasty Khaicehos Kahan introduced the worship of bulls at Memphis.

The later history of the Jewish theocracy shows a rivalry between king and priest as exponents of the divine will; but, in spite of the royal power, the kings depended very greatly on the approval of priest and prophet, who often seem to have had a greater hold on public opinion.

As in all primitive states, the religious code is the basis of all law, and minutely regulates the conduct of the individual. The Israelite who worshipped strange gods, or indulged in strange diet, was necessarily guilty of a kind of treason. Such patriotism also involved the duty of spreading opinions by the sword, and thus the codes and ideas of the most vigorous races came to prevail.

The same result is seen in the history of theocratic Islam. In such a stage of civilisation even new religions became State religions. For example, in India, about 244 B.C., Asoka, the king of Magadha, became a zealous convert to Buddhism. Buddhism was, and is, one of the most intensely missionary and tolerant religions that have ever existed. It is based on a pessimism which inculcates a death to this world. Yet this converted monarch at once

organised Buddhism on the basis of a State religion, with a council to settle disputed questions of theology, and a department to watch over the purity of the faith, directed by a minister of justice and religion. His policy of toleration had, it is true, never to stand any very severe tests, as no rival sect was near enough or strong enough to provoke any kind of persecution.<sup>1</sup>

We are accustomed to think of the Greeks as the least superstitious and most tolerant of ancient peoples; we are sometimes told that we stretch hands across the gulf of the Dark Ages to them. But men like Anaxagoras (whose philosophy somewhat resembled that of modern idealism) were not hailed as harbingers of light, and probably escaped being condemned to death only because their speculations were never really understood except by a small circle of philosophers.<sup>2</sup>

Again, it must be remembered that one of the greatest mistakes made by Athens in the Peloponnesian War was that of driving Alcibiades into the Lacedaemonian camp, because he and his friends were, though without much reason, suspected of having mutilated the Hermae, which would

bring down the wrath of the gods on the whole city. We should also not forget the massacre of the Branchidae in Sogdiana by Alexander the Great in 329 B.C. The whole population—men, women, and children—were put to the sword because their ancestors had, 150 years before, surrendered the treasures of the temple of Apollo to Xerxes. The gods of the Greek city state were to a certain extent Pan-Hellenic, but they were also taken to represent the city alone. The State gods and State ideals were the gods and ideals of the individual. Even Socrates assented to this, if the *Crito* have any foundation in fact.

The most cursory perusal of Aristotle's *Politics* will show how in the Greek State the details of individual conduct also are exhaustively mapped out. In his ideal State citizens dine in public, are restricted in regard to the age of marriage, and have their whole existence arranged for them. Yet the Greek city did indeed teem with sceptical philosophies, and burned with the zeal of the scientific spirit, which vented itself in keen intellectual discussion. Such disputations were, nevertheless, for the most part academic, and were regarded rather as exercises in dialectic. When, however, Socrates tried to bring philosophy down to earth, and set up an individual standard of conduct, he could no longer be tolerated.

Mr. Gilbert Murray, in his *History of Greek Literature*, puts forward the theory that the accuser of Socrates had probably a genuine grievance, since the son of the accuser, intellectually emancipated from the old sanctions of conduct, had not constructed new sanctions for himself. Such risks few parents will approve, and least of all would an Athenian father have done so. But the main issue of the trial was that no citizen should be allowed to stand apart from the State or criticise the ethics of the State,

<sup>1</sup> I owe to the late Professor Max Müller the suggestion to study the reign of Asoka. An excellent account of his reign is given by Mr. Vincent Smith in his *The Emperor Asoka* (Clarendon Press, 1901). Asoka was for some time in a Buddhist monastery, and from his edicts he seems to have had the respect that St. Francis of Assisi showed both to human rights and animal life. "All men are my children" is a phrase constantly recurring in his edicts. In the twelfth edict the exhortation to his subjects to respect all sects and religions is finely worded.

<sup>2</sup> Anaxagoras was persecuted as a religious innovator in Athens, but subsequently had an altar put up to him in Ionia. "The religious views of the Demos (of Athens) were of the narrowest kind, and hardly any people had sinned so heavily against the liberty of science" (Burnet's *Early Greek Philosophy*, London, 1892, pp. 276-280).



which were entirely bound up with the State religion.<sup>1</sup>

The mysteries were, indeed, only remotely connected with the State, but they were tacitly sanctioned by the State; nor did they in any way clash with the State religion—the outermost of the concentric circles of which the family was the centre, as Fustel de Coulanges has so admirably demonstrated.<sup>2</sup>

It is clear, too, that this social system commended itself to the best minds of Hellas. Plato and Aristotle would probably have sided with Creon against Antigone in the Sophoclean tragedy. Plato expressly condemns to death, in his *Laces*, those who keep private shrines in their houses, etc. Aristotle admits that the “good citizen” can never be the “good man” in any but the best State; but he seems to think that it is the duty of the individual to be the good citizen before everything else.<sup>3</sup>

<sup>1</sup> “Greek democracies could never pardon the introduction of new gods. Their objection to this was not, however, that the gods in question were false gods. If they had been so, it would not have mattered so much. What they could not tolerate was that anyone should establish a private means of communication between himself and the unknown powers. This introduced, as it were, an unknown and incalculable element into the arrangements of the State, which might very likely be hostile to the democracy, and was, in any case, a standing menace to the mass of the citizens, who had no means of propitiating the intruding divinity. And it was nearly as bad to worship the ordinary gods of the State in a private way, for it was manifestly unfair that any section of the community should have access to the supreme dispensers of good and ill at times and seasons when the ordinary man was excluded” (Burnet’s *Early Greek Philosophy*, p. 96).

<sup>2</sup> In *La Cité Antique*. This is the main theory of the book.

<sup>3</sup> The late Professor Ritchie made the following note on this sentence: “What Aristotle says is that the good man cannot get a chance of realising his *ἀρετή* except in a good State; in an inferior State a great many *ἀρεταί* must remain potential, and his life cannot be pleasant because his *ἀρετή* will be impeded.”

Rome, therefore, may claim to have inaugurated the first experiment in any kind of toleration; but this was only a toleration of alien ritual for conquered aliens, and was a natural outgrowth of the *Jus Gentium*, which was in its origin a Law Merchant. Thus Mommsen writes of the Roman religion: “Its national character was not infringed by the fact that from the earliest times modes and systems of worship were introduced from abroad, any more than the bestowal of the rights of citizenship on individual foreigners denationalised the Roman State.”<sup>1</sup> Nor were Roman citizens allowed to adopt them. The old legal maxim of the Twelve Tables was never forgotten: “Separatim nemo habessit deos, neve novos; sed ne advenas, nisi publice adscitos, privatim colunto.”<sup>2</sup>

The logical result of such a system was that religions deemed likely to upset the moral and political balance of society were put down, just as the burning of widows is punished by the British Government in India. Thus, it was found necessary to suppress

<sup>1</sup> *History of Rome*, Bk. I., chapter xii. English trans., vol. I., p. 186. Professor Ritchie writes justly enough in his *Natural Rights* (London, 1895), p. 169: “So far as religion goes, the Roman Empire was probably the least persecuting government that ever existed on a large scale before the present [*i.e.*, nineteenth] century, and under no condition of affairs.....previously known in the world had a missionary religion greater opportunities for spreading itself.” In his *Studies in Jurisprudence* (vol. I., pp. 54, 55) Mr. Bryce remarks how Spain forced Catholicism on the American people in the sixteenth century, and Portugal and France pursued the same policy in every new colony—an interesting contrast to the policy of Rome and England. But I think Mr. Benjamin Kidd is right in stating that Roman civilisation was essentially military, and embodied in the *Jus Civile*, and that the later toleration of the Empire was a mark of its decay, and not of its strength.

<sup>2</sup> “Let no person have gods to himself, or new gods; moreover, let them not worship strange gods in private unless such gods become publicly acknowledged.”

the Bacchic rites in 188 B.C., and certain Oriental worships in 58 B.C.; and Claudius Augustus abolished the Druidic practice of human sacrifices. Roman toleration was exclusively local and particular, and, moreover, only applied to religions that did not promote secret associations, and did not infringe upon the Roman *majestas*.<sup>1</sup>

The latter principle is very clearly developed in the trial of Christ, and the former in the persecution of Christianity.

The trial of Christ has been most lucidly dealt with by Mr. Taylor Innes in his learned monograph.<sup>2</sup> He summarises the conclusions thus: "Jesus Christ was arraigned on a double charge of treason; the treason in the theocratic court being a (constructive) speaking against God, while in the Imperial courts it was a constructive speaking against Cæsar."

The Roman part of the trial alone concerns us here. Here again the chief factor is the old feeling, such as was shown against Socrates for trying to set up an individual standard of conduct, expressed mystically in such sayings as "My kingdom is not of this world," or the evasion of earthly sovereignty in a saying like "Who made me a judge over you?" Such an attitude was obviously not likely to be understood either by Jews or Romans, and "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's," conveyed little to either.<sup>3</sup> The Jewish

millennium was essentially terrestrial,<sup>4</sup> and, whether the theory of Judas's treachery being intended to force Christ to declare himself an earthly king be true or not, it graphically illustrates the working of the Jewish mind.

The Hebrew accusers were mainly irritated by the revolutionary ideas in regard to ritual, the essence of their religion, which were being spread broadcast among the people. "He deceiveth the people,"<sup>5</sup> they reiterated, and finally won over Pilate by the argument, "If thou let this man go, thou art not Cæsar's friend: whosoever maketh himself a king speaketh against Cæsar." The psychology of Pilate has in all times been exhaustively discussed. The very few data from which any inferences can be drawn allow the reader to suppose that he was of a very average type. He was at first unwilling to let one whom he must have considered a harmless visionary suffer extreme penalties for the use of a phrase which was to most men unintelligible. But when the Jews threatened to make use of it against himself (and it undoubtedly could be used with some effect) he felt obliged to give in.

Obviously, if Christianity was to spread, it had to be thoroughly moulded to suit contemporary ideas. Hence it becomes in the first stage a rigid theocracy, and in the second a State religion under Theodosius.

One essential characteristic of all theocracies is, as we have seen, the detailed regulation of the life of the individual. The pioneers of every new religion claim the immediate sanction of the deity, and they must present a united front to the world,

deferred tracing this in detail to a subsequent chapter.

<sup>4</sup> John vii. 12. Cf. also Renan's remark: "Jésus avait enterré pour toujours les espérances d'un patriotisme et d'un messianisme matériels" (*L'Eglise Chrétienne*, p. 196).

<sup>1</sup> The British government of India affords a wonderfully close parallel to Roman toleration from about 1830 onwards. Professor Ritchie points out an example of ideal toleration in the provision of the Indian Penal Code relating to obscene paintings, which exempts those connected with religious representations (p. 181, *note*).

<sup>2</sup> *The Trial of Jesus Christ* (A. Taylor Innes), Edinburgh, 1899.

<sup>3</sup> I should perhaps qualify this at once by showing how the conception of an Antigone and the Stoic ideas of a Law of Nature did, in fact, modify the theoretical omnipotence of the Greek and Roman State; but I have

based on an absolute participation of faith and ideals. This is true to all time—as true of the Israelite commonwealth, of the Genevan Calvinists and of the Cromwellian soldier, as of early Christian society. Thus only can the enthusiasm of a minority be crystallised to resist hostile shocks from without.

The Epistles to Timothy and Titus abundantly illustrate the way in which every class of society is fitted into the *cadres* of this newly-formed community. It was precisely this feature in the new religion that made persecution inevitable. Though the Jews were always ready to revolt, they were never attacked except when in open rebellion. But though the Christians were always ready to submit passively in most respects to the civil power, they were constantly persecuted, because they formed what M. Renan very happily called “Une association dans l’Etat et en dehors de l’Etat.”<sup>1</sup>

There were yet other considerations which explain the different treatment of Jews and Christians. Though Judaism was rigidly exclusive, yet it was also cosmopolitan, and in most respects law-abiding. The Jews were shunned by the people, as certain passages in the Augustan writers show; but this was an advantage to the State, for it prevented them from making converts. In fact, they were so far in good odour with the State that Augustus freed the Jews from participation in the Imperial cult in consideration of a small tax.<sup>2</sup>

The Christians, on the other hand, came into bitter antagonism on every point with society, and in their relation to the State their other-worldliness unfitted them for civic activities such as military duty. (How would a modern Frenchman or German be treated who refused to serve his term of military service because he was convinced that the Day of Judgment was at hand?) Again, as a corollary to their general pessimism, they regarded marriage, if not as a crime, yet as a misdemeanour.<sup>3</sup> Now, if there was any one respect in which the ancient State regarded its dominion over the citizen as paramount, it was in regard to keeping up the numbers of the population. This was regarded as a measure of public safety, and rigidly regulated by the law.

We need not be surprised, then, if all these characteristics of the Christians were lumped under the phrase, *odium humani generis*. Modern Europe is theologically so far removed from the spirit of early Christianity that a reappearance of early Christians would be most unwelcome to the modern statesman. Preachers of peace like Mr. John Bright and Count Tolstoi have not been much loved in their respective countries. Even if the State had remained passive, the populace would never have been so. They genuinely suspected Christians of unholy practices, and of a secret conspiracy against society at large.

An interesting analogy offers itself in the United States in the early part of the nineteenth century.

<sup>1</sup> Compare Titre I., Article 2 of the French Associations Bill of 1901: “Any association founded for a cause or for an illicit end contrary to the laws, to public order, to good morals, to national unity, and to the form of the Government of the Republic, is void.”

<sup>2</sup> In Horace’s time respect for the Jewish Sabbath was already fashionable among the Romans; cf. *The Satires*, Bk. I., 9, 69, 70. Professor Ramsay has pointed out in his book, *The Church in the Roman Empire*

(p. 191), how the Imperial cult was specially adapted and made comprehensive enough to constitute a religion for the Empire. He also shows (p. 335) how the “articulate organisation (of the Jews) centred in a temple at Jerusalem” was entirely suppressed, and the Jews only tolerated in so far as they did not “maintain a unity distinct from that of the Empire.”

<sup>3</sup> Vide Gibbon’s famous chapter xv. of the *Decline and Fall*.

In 1820 a Freemason called Morgan, living in the western part of New York State, wrote an attack on Freemasonry. He was drowned in Canada, and his supposed executioners were never discovered. Anti-Masonic societies were immediately formed in the United States, and in some States the law prevented the lodges taking in new members.<sup>1</sup> That incident well illustrates the attitude of the world at large to the early Christians. It would be tedious to enumerate the various persecutions in detail. All that I am concerned to show is that toleration was impracticable owing to the fierce zeal of the new religionists, and that the State was bound in the long run to take one side or the other. About 110 A.D. Trajan's rescript in confirmation of his predecessor's policy made the profession of Christianity a capital crime; but the enforcement of this law necessarily varied at different times and in different places, and with the disposition of the populace.<sup>2</sup> It was, however, as has been well pointed out, for some time as desultory as the repression of brigandage.

Though the Christians regarded persecution as an infallible testimony of the truth of their cause, they began

to realise the obvious advantages of toleration. It was under this régime that Tertullian put the one impregnable argument against persecution in a nutshell: "Videte enim ne et hoc ad irreligiositatis eulogium concurrat, adimere libertatem religionis et interdicere optionem divinitatis, ut non liceat mihi colere quem velim sed cogar colere quem nolim. Nemo se ab invito coli volet; ne homo quidem."<sup>3</sup>

They made, however, but little effort to conciliate popular prejudice. They conspicuously held aloof from the public games, and would not burn incense to the Emperor. "Nobis nulla magis aliena quam res publica" was their challenge to Roman patriotism. Moreover, they committed the more unpardonable sin of succeeding everywhere as proselytisers. Christianity thus became no longer a local and occasional disorder, but an imperial gangrene, which needed great surgical activity for its cure.<sup>2</sup> Accordingly, in 250 Decius made persecution inquisitorial; imprisonment and torture became frequent, and all Christians were to be required to take part in

<sup>1</sup> Miscellaneous and posthumous works of H. T. Buckle (Grant Richards), vol. ii., p. 3.

<sup>2</sup> The legal grounds of accusation were: (1) *Obstinatio*, which meant inherent disobedience to the State; (2) refusing to worship the State gods; (3) refusing to worship the Emperor; (4) general immorality, such as incest, homicide, the use of magic, etc. I am much indebted to Mr. E. G. Hardy's clear summary of these facts in his book on *Christianity and the Roman Government*. Though Professor Ramsay points out that the "policy throughout the Empire toward the Christians was moulded by the reigning emperor," yet he also mentions that the treatment of the Christians as *hostes publici* and "enemies to the fundamental principles of society and government, of law and order" was "accepted as a settled principle of Imperial policy" before Trajan's time (vide *The Church in the Roman Empire*, pp. 233 and 269).

<sup>3</sup> Tertullian, *Apologia*, 24. "See to it that it may not turn to the profit of unbelief to take away freedom of worship and prohibit the choice of a divinity, so that I may not worship whom I will, but be forced to worship one whom I am unwilling to worship. Nobody would wish to be worshipped by an unwilling person, not even a human being."

<sup>2</sup> It is difficult to mark off the phases of the persecution very definitely. Thus, under Hadrian, Antoninus Pius and Marcus Aurelius, the Imperial lieutenants had the option of exercising "powers of search against the Christians as sacrilegious persons." Trajan and Hadrian preferred to leave the persecution of the Christians to individual informers, who, by prosecuting, ran the risk of incurring the enmity of the Christians round them; but apparently the lieutenants exercised powers which were practically inquisitorial under Marcus Aurelius (vide Ramsay's *Church in the Roman Empire*, p. 339).

sacrifices on pain of death. The widespread prevalence of Christianity is shown by the fact that Gallienus found it necessary to grant indulgence by two edicts of toleration nine years later. The beginning of the inevitable association of the Christian Church with the Roman State appears in the way in which the Church begins to fit into the interstices of the Empire—for example, as time went on “the dioceses generally coincided with the Roman prefectures.”<sup>1</sup>

In the opening years of the fourth century Diocletian made a last spasmodic effort to extirpate Christianity. To the ordinary penalties were added an enactment to suppress Christian assemblies and to destroy Christian churches. This out-of-date proceeding probably hastened the advent of toleration, which was established eight years after the persecution began by the Edict of Galerius. This edict pledged the State not to molest Christians so long as they did not attack the State religion. Thus began a series of compromises, none of which gave any sure foothold. Two years later Constantine and Licinius gave the Christians “*liberam atque absolutam colendae religionis libertatem*” in the Edict of Milan, and conciliated both parties by defining “*Divinitas in Sede Coelesti*” as the object of State worship.

The chief interest of this edict consists in its being the first experiment in complete toleration based on the idea set forth by many of the early apologists—in particular by Justinus in the second century—that all religions have an element of truth in them. This idea revives again with the rise of Protestantism, and in the works of men like Bodin, Hooker, Chillingworth, Locke, Voltaire, and

Rousseau. The failure of Constantine's theory and practice well shows the interdependence of toleration and scepticism; and the incapacity of the age for accepting such a settlement may be clearly inferred from the fact that Christianity seems by the end of Constantine's reign to have been considered the State religion to the exclusion of others.

It has already been demonstrated that the enactment was “purely despotic,” and by no means implied “any right on the part of the people to freedom of conscience or of worship.”<sup>1</sup> In spite of his final declaration of tolerance in 323, when master of the whole Empire, Constantine's helplessness in opposing the drift of his time appears in an edict of 319, menacing Jews who stone Christian converts from Judaism with death from fire, while converts to the synagogue from the outside are threatened with “deserved pains.” And in the last seven years of his life he openly favoured Christianity as far as he could in the Eastern Empire. The idea of persecuting pagans was actually suggested to him by one Firmicus Maternus, who sent him a treatise, *De errore profanarum religionum*, probably with the hope that, if the emperor once thus committed himself, no reaction need be feared from his successors.

Yet, though his sons, Constans and Constantius, closed the pagan temples in the East and forbade sacrifices, a partial reaction took place under Julian, and a lopsided toleration continued under the Christian emperors from the time of Jovian to that of Theodosius.

Constantine had indeed gone so far as to take part in the internal affairs of the Church in the Donatist and Arian controversies. In 316 he urged the Donatists to submit to the decision

<sup>1</sup> I quote from the admirable summary of Mr. Taylor Innes in *Church and State* (T. & T. Clark), p. 15.

<sup>1</sup> The expressions quoted are those of Mr. Innes (*Church and State*, p. 26).

of the Roman bishops against them, and in 325 acted in accordance with the Council of Nicæa in banishing Arius and ordering his works to be burned.

It was with these internal disputes that the necessity for persecution arose. Paganism might have been left to die in peace, but the Christian heresies had great vitality in them. They were bound to arise sooner or later; for the Christian desire for uniformity of faith was much harder to realise than the Hebrew uniformity of ritual. It was in particular the Donatist controversy which elicited from Augustine of Hippo the formulation of the "Compelle intrare" theory, and this theory is the root principle of persecution in medieval Europe, for it represented the logical application of the doctrine of exclusive salvation, which assumes on the

part of its promulgators the possession of infallible truth.

Modern Protestants sometimes seem to imagine that real freedom of thought began when this particular doctrine was no longer universally accepted in Western Europe. What they fail to see is that men will always bitterly resent any attack on truths which they consider essential to the well-being of the race, and that the decline of the doctrine of exclusive salvation was not due to an increased respect for freedom of thought, but to an increased uncertainty concerning the theory of the universe formulated by the Catholic Church.

A Liberal has recently been defined as one who would never take the chance of imposing silence on the deceivers of mankind. If we hold by this definition, very few Liberals can ever have existed or do exist now.

## CHAPTER II.

### MEDIEVAL EUROPE

IN this chapter I shall try to trace the growth of Christianity from being essentially the religion of the Roman Empire to its becoming essentially an incomplete theocracy. This incompleteness reveals the inherent dualism in the Christian theory of Church and State, which reappears from the fifth century onwards; and by the beginning of the fourteenth century a good part of Western Europe is well on its way to the secession of the sixteenth century.

The final establishment of Christianity as a State religion in 380 under Theodosius and Gratian, who consis-

tently pursued a persecuting policy, and the changed attitude of the chief thinkers in the Church towards toleration, indicate how much the growing heresies had done to precipitate the ruin of the unstable equilibrium set up by Constantine and Licinius. Christianity could not obtain the hold it did upon individuals without becoming assimilated to the political moulds of the society into which it penetrated. In so far as it was invading Western Europe, it was becoming a peculiarly definite body of beliefs, while Byzantine Europe was spinning out its web of subtle and metaphysical heresies.

This tendency was to lead up to the theoretical theocracy of medieval Europe, not fully formulated till the coronation of Charles the Great, but already foreshadowed in the dictum of the fifth-century Pope Gelasius,<sup>1</sup> in the foundation of the exarchate of Ravenna in 603, and almost realised after the Papacy possessed the exarchate of Ravenna in 756.<sup>2</sup>

Theodosius and Valentinian II. began their anti-pagan legislation in 381 and 384 respectively, and it culminated after Valentinian's death in the Theodosian enactment of 392 declaring that sacrifices and sooth-saying should be crimes *ad exemplum majestatis*. Thus Christianity had, in very truth, become a State religion, and it was now possible for Catholicism to present an undistracted front towards internal heresies. Persecution was entrusted to the bishops and the civil authorities, and these measures seem to have dealt the *coup de grâce* to Paganism; for in 423 Theodosius II. pronounced it extinct.

Ecclesiastical opinion still wavered. Lactantius had steadily supported the cause of toleration under Constantine. Ambrose and Chrysostom still stood out for toleration in theory, though they were ready enough in practice to sanction most penalties, save that of death. Yet what could be more unequivocal than these words of Chrysostom?—"For it is not right for Christians by force and violence

to overthrow aberration, but by persuasion and reasoning and gentleness to achieve the salvation of men."<sup>1</sup>

The clerical theory of this time was for the most part akin to that of St. Louis and of Bishop Pecock. Persuasion is to be used first, and keener-edged reasoning afterwards. Yet the execution of Priscillian and some of his followers in 385 under Maximus roused the indignation even of Augustine of Hippo, who had the greatest share in elevating persecution into a Christian duty. This fiery spirit, no less experienced in heresy than in the alternating extremes of self-analytic sensuality and sensuous piety, was moved by the exigencies of the Donatist controversy in Africa to preach the gospel of *dragonnades* with much eloquent plausibility. He admits he had once thought otherwise, but the compulsory conversion of his own city had changed his views.<sup>2</sup>

There exists a letter of his to Vincent of Lerins, the premiss of which is that all heretics and children of heretics are dangerous lunatics, and are to be treated accordingly. The Church has a right to protect men against themselves (as the modern State deals with habitual drunkenness, etc.). Such lunacy is either curable or incurable, but medicine ought to be used for both kinds of disease. Such medicine may not be palatable, but even God's love takes temporarily unpleasant forms. Thus he cites the text: "Whom I

<sup>1</sup> "The temporal sovereign could not usurp spiritual functions, for Christ alone could be king and priest; and priests, in virtue of their spiritual power, are superior to kings: first, because kings are consecrated by priests, and priests cannot be consecrated by kings; secondly, because priests are accountable to God for the actions of their temporal sovereign." (Quoted by Mr. Fisher in his *Medieval Empire*, vol. i., p. 38.) Here is the whole basis and exposition of the ultramontane claims, whether put forward by St. Thomas Aquinas, Bellarmine, De Maistre, or Sir J. Stephen.

<sup>2</sup> Mr. Fisher's *Medieval Empire*, vol. i., p. 22. London, 1898.

<sup>1</sup> 'Οὐδὲ γὰρ θέμις χριστιάνους ἀνάγκη καὶ βία καταστρέφειν τὴν πλάνην ἀλλὰ καὶ πειθοὶ καὶ λόγῳ καὶ προσηνείᾳ τὴν τῶν ἀνθρώπων σωτηρίαν ἐργάσθαι (*Opera*, tome ii., p. 140). "For it is not just by necessity and force to correct error, but by persuasion and argument and gentleness to work out the salvation of men."

<sup>2</sup> It is only fair to mention that he was but gradually convinced of this painful necessity, and that the Donatists were addicted to gross robbery and violence. He also opposed physical violence towards heretics, and is said to have sometimes interceded for them in later life.

have delivered unto Satan, that they may learn not to blaspheme" (1 Tim. i. 20). The children of heretics are indeed somewhat excusable, but they are to be awakened from their intellectual sloth by the fear of temporal punishments. In any case, it is not safe to allow them to infect others with the plague of their heresy.<sup>1</sup>

Such is the gist of this famous doctrine. It became the leading principle of the Catholic religion, which, through the help of the Empire, finally thwarted all the Arian endeavours for toleration.

The essential aspects of this conflict have been luminously explained by a Catholic writer:—

"The claims of the Roman Church would hardly have been so easily accepted had they not been identified with the claims of the Roman State to universal dominion. The State, with which Catholicism was co-terminous, claimed jurisdiction over the civilised world. In the great Arian controversy the Catholics were styled Melchites, or Royalists; the greatest strength of the Arians lay in the barbarous clans outside the pale of the Empire."<sup>2</sup>

A parallel phenomenon is to be found in the Arian persecutions in the Eastern Empire, which naturally arose from the Byzantine identification of Church and State.

The conversion of the Gothic invaders had been chiefly brought about by Bishop Ulfilas, who, in the

middle of the fourth century, made a missionary journey into Dacia and translated the Bible into Gothic. That the barbarians should have so readily accepted the Arian form of Christianity is attributed by Dr. Hodgkin to the "fact that the Empire itself was to a great extent Arian when they (the barbarians) were in friendly relations with it, and were accepting both religion and civilisation at its hands in the middle years of the fourth century."<sup>3</sup> At this time (*i.e.*, 350), I need hardly repeat, Christianity was by no means permanently established as the imperial religion.

Even before the Empire insulated and finally engulfed the Arian countries, Catholicism made toleration impracticable for Arian sovereigns. Whatever Arian persecution existed was either purely political, self-defensive or retaliatory. Thus, as Dr. Döllinger shows,<sup>4</sup> the Vandal persecution of Catholicism in Africa was due to their political hopes for the revival of the Eastern Empire, and for this they considered it necessary to uproot the Catholics of the West. The other persecutions—Theodoric's in particular—were caused by the turbulent hostility of the Catholics and their bishops. It is hard to tolerate intolerance, and the Catholics would not acquiesce in Arian toleration of the Jews either in the Visigothic or Ostrogothic kingdoms.

There can be little doubt, however, that Theodoric's intentions at any rate were genuine, and in the embassy he sent under the Pope to the Eastern Emperor Justin he expressly declared that sovereigns are only concerned with the promotion of public order, and ought not to meddle with the belief of citizens.<sup>5</sup> But the Catholics

<sup>1</sup> The compelling theory is probably true to all times and countries. Among the Kharezmians of the thirteenth century rose up a prophet, who showed to pious folk celestial hosts coming to deliver them in green and white robes. If anyone said he did not see them, his vision was speedily corrected by the cudgels of the enthusiasts (*vide L'Histoire Générale*, Lavisse et Rambaud, tome ii., pp. 961-2).

<sup>2</sup> The late Mr. James Hall, in an unpublished essay on "Church and State." Professor Ritchie accurately writes: "It was the Church rather than the Holy Roman Empire which really inherited the sovereignty of Rome." Hobbes's famous "ghost" had a more than spectral power.

<sup>3</sup> *Theodoric the Goth* (Hodgkin), p. 78.

<sup>4</sup> In the essay on "The History of Religious Freedom," in the volume entitled *Historical and Literary Addresses*.

<sup>5</sup> He begins by stating that "to pretend to a dominion over the conscience is to usurp the prerogative of God."



took care to make toleration incompatible with public order. In fact, the only permanent result of the temporary Gothic dominion was to intensify the power of the Bishop of Rome, who represented the most civilising forces at work, and the old Roman traditions.

Catholicism gained yet another considerable portion of Europe through the conquests of Clovis. It is hard to over-estimate the importance to the Church of the alliance with the great conqueror, which ultimately culminated in the crowning of Charlemagne by the Pope in 800. The conversion of Clovis in 496, though not apparently inspired by political motives, yet gave a clear object-lesson of the profit accruing from adherence to Catholicism; and the overpowering strength of Catholicism appears in the conversion of Reccared, king of the Visigoths, in 587. Most of his people followed suit, and he gained, as he had expected, much power from the support of the Catholic bishops, though he sometimes suffered from their predominance.

The Arians, and with them the cause of toleration, were obviously losing ground. They had been prepared to abstain from any kind of strictly "theological" persecution, and were much more inclined to tolerate the Jews and aliens generally, because they were less concerned with such miraculous aspects of Christianity as the doctrine of the Incarnation, and on other respects also appear to have had less cohesion than the Catholics—probably because they had less of the Roman tradition behind them.

Thus with the Arians disappeared all chances of toleration, since they alone might have kept alive some sort of opposition to the Christian theocracy; and it only remained for the Bishop of Rome to throw off the civil yoke of the Eastern Empire before the Papacy emerged strong enough to consolidate the theocratic theory,

which was almost unchallenged in Western Europe from 800 to 1300.<sup>1</sup>

The secession from Byzantium was made easy by the removal of the imperial authority to the exarchate of Ravenna after the Lombard invasion. This left much autonomy to the ecclesiastical power in Rome, now responsible for the defence of the Eternal City against the Lombards under the papal hegemony; and owing to this process the civil power there considerably waned.

This separation had two other far-reaching results. The first was the change in the attitude of the Latin Church, not only to Greek and Latin literature, but also to the Greek language; this change sealed up speculation and stereotyped the belief of the Western Church. Greek was regarded as the language of heresy, and it was distinctly discouraged by Gregory the Great, who, though *responsalis* at Constantinople for seven years, never learnt it, and was dismayed to hear the rumour that some of his sermons were circulating in Greek. It is only fair to Gregory to add that he did his best to discourage Latin learning as well as Greek, but probably had less power to do so.<sup>2</sup> Yet the Papacy occasionally encouraged missionary enterprises to

<sup>1</sup> Mr. Fisher convincingly shows that no Emperor dared openly combat the papal claims, and that the quarrel between the Empire and the Papacy in the twelfth century was essentially a contest between popes and antipopes. It would be easy to illustrate this by the whole history of the Investiture conflict, but it is here unnecessary and irrelevant. I shall subsequently show why and how the theory was incomplete in practice.

<sup>2</sup> From the *Legatio Liutprandi ad Nicephorum Phocam* I take the following citations bearing on the subject: "Haereses omnes a nobis emanarunt, penes vos viguerunt; a nobis, id est, Occidentalibus hic sunt inculatae, hic sunt occisae," and "Rudem quod dicis Saxonibus esse Fidem, id ipsum et ego affirmo: semper enim apud eos Christi fides rudis est, et non vetus, ubi Fidem opera sequuntur."

Eastern Europe. They were not crowned with success. The separation from the East was naturally accompanied by the bestowal of greater attention on Western Europe and the adaptation of Christianity to a modified sort of barbarism.

It is, then, the foundation of the exarchate of Ravenna in 603 that marks the real origin of the Catholic Church as the predominant factor in the civilisation of Western Europe, though its fundamental incompatibility with the spirit of the North breaks out in the sixteenth century.

Gibbon has by no means exaggerated the extent of the concessions made by Catholic missionaries to the ideas of the barbarians. Thus St. Augustine, when on his English mission, had elaborate instructions sent him by the Pope concerning the observance of the lawful degrees in matrimony. The English are to be admonished to abstain from unlawful marriages, and to fear the dreadful judgment of God. Yet they are not on this account to be deprived of the body and blood of Christ. "For at this time the Holy Church chastises some things with zeal and tolerates some through meekness, and connives at some things through discretion, that so she may often by this forbearance and connivance suppress the evil which she disapproves....." In such manner did Gregory promote and sanction the historic opportunism of the Catholic Church.

Gregory the Great increased this independence by performing great political services as arbitrator both in and outside Italy; he may be said to have inaugurated the tradition of the Papacy as an international tribunal to which Leo XIII. so proudly referred in his letter to the Queen of Holland

after the Hague Conference of 1899. His activities flowed into missionary channels in Europe, and into administrative channels in Rome. Yet fifty years after this Pope Martin, trading on the newly won predominance of the Western Church, was imprisoned and exiled by the Emperor Constantinus, who also unsuccessfully tried to set up a counter-papacy at Ravenna.<sup>1</sup>

In the meantime the rise of the Mohammedan power in the East had lopped off much of the Empire and diminished its prestige, while the disastrous disputes of theologians, whom the civil power could not silence, distracted the emperors yet more. The final events which confirmed the Papacy in its spiritual supremacy over Western Europe were the controversy over image-worship in the middle of the eighth century, the usurpation of the Byzantine throne by the regent-mother Irene, and the presentation of the exarchate of Ravenna by Pepin to the Pope. The Franks were predominant in Western Europe through the successive overthrow of the Saracens and Lombards; the Eastern Empire was weak, and could not enforce its decisions as to image-worship against the Western Church. On Christmas Eve of 800 the Pope declared Charles the Great "Emperor crowned by God."

The nominal import of this epoch-making ceremony was to appoint Charles protector of the Western Church. But, as Mr. Fisher writes, Charles in reality "became for all time the type of secular force placed at the service of religion."<sup>2</sup> His *Missi Dominici* furnished a model for the procedure of the Inquisition in the thirteenth century. He confirmed the famous Donation of Constantine, the forged yet implicitly believed basis of all the papal claims to temporal power,

<sup>1</sup> Bede's *Ecclesiastical History*, Book I., chapter xxvii. (trans. by Rev. T. A. Giles, D.C.L., Bohn ed.).

<sup>2</sup> Vide Mr. Oman's *Dark Ages*, p. 277. —

<sup>3</sup> *Medieval Empire*, vol. i., p. 28. G

which drew from the great Ghibelline poet the famous complaint :—

Ahi, Constantin, di quanto mal fu matre,  
Non la tua conversion, ma quella dote,  
Che da te prese il primo ricco padre !<sup>1</sup>

He inaugurated the long series of missionary wars for the spread of Western Christianity, and, by regulating all the administrative machinery of the State for the promotion of orthodoxy, paved the way for the whole medieval theory and practice of persecution, which rested on the idea that the civil power was to be at the beck and call of the Church to suppress her enemies. This idea found its fullest expression in the Inquisition.

Medieval Western Europe may almost be called a bundle of theocratic departments ; the civil ruler of each undertakes a very great part of the ecclesiastical superintendence, but is always liable to be corrected by the decision of the central theocracy, which forms an appellate tribunal with the power of final determination. Thus Charlemagne kept the election of the bishops in his own hands, and could arbitrate in all matters of ecclesiastical discipline. In fact, in the sixteenth article of the Capitulary of Aix-la-Chapelle, he undertakes to pronounce on the "unknown names of the Angels."

Nor was this at all exceptional. For example, a very similar arrangement lasted in England up to the time of William I. The bishop and ealdorman presided in the same court, and were regarded as complementary to each other. The English laws are confessedly coloured by Christianity, and contain such reflections as the desire to spare the lives of those "redeemed by Christ." Cnut issues a Charter, in which he simultaneously admonishes the regular and secular clergy on their duties and exhorts laymen to piety. Edward the Confessor

takes up the attitude of an earthly Providence for the protection of the righteous.<sup>1</sup>

The theocratic aspect of medieval Europe has often not been realised, because the term "theocratic" is generally applied to a complete identification of Church and State. The settlement of 800 amounted merely to a close association of Church and State, but the theory of it may justly be termed theocratic ; for, while the Emperor and Pope were colleagues directly appointed by God, the Pope was undoubtedly in theory regarded as the predominant, and the Emperor as the subordinate, partner.

The Church, in medieval parlance, is the soul, and the State the body. For us, however, the chief importance of the theory lies in its application to persecution by the earlier medieval jurists, who came to the conclusion that, since the civil and ecclesiastical governments were two aspects of God's rule over the world, and since the Emperor was immediately appointed by God, the crime of treason logically included treason against God or heresy.

Law too often does little but clothe human passions in plausible logic, and, like theology, must sometimes be studied by the historian more for its symptomatic interest than for itself. It is more profitable to try to suggest the probable attitude of the lay mind towards the rightfulness of suppressing heresy than to examine the legislation adopted for that purpose. From this point of view, the cruelty of the means adopted may be at once accounted for and condoned. Medieval folk were quite innocent of Mr. Ruskin's rose-water. In the next place, many of the heresiarchs revolted against the normal rules observed by mankind in sexual matters. Heretics were often detected by their austere deportment in this respect, and they

<sup>1</sup> Dante's *Inferno*, Canto xix., v. 115-118.

<sup>1</sup> *Vide Select Charters* (Stubbs), *passim*.

were hence universally accused of unnatural vice. Again, the barbaric intolerance of foreign persons and customs frequently bursts out. Such intolerance is closely allied to the spirit in which Christ's disciples exhorted him to bring down fire from heaven, and this spirit is commonly supposed to be the sole ruling motive of the persecutor. It was certainly very strong in the Middle Ages; and the conflict of ideals will generally be decided by the sword in an age when men prefer the sword for most purposes to the pen.

But such generalisations as these are necessarily vague and unsatisfactory. I shall confine myself to illustrating the propositions that medieval heretics were persecuted by:—

1. *The people*, because they offended
  - ✧ men by preaching and practising
  - ✧ eccentric sensuality or asceticism, and because they jarred
  - ✧ against that vast part which the Church played in the lives of all.
2. *The Pope and clerical hierarchy*,
  - ✧ because their anti-sacerdotal ideas menaced the vested interests of the Church collectively and individually.
3. *The State*, because the condition of public opinion did not admit of any civic *cadre* existing for the "material" heretic;<sup>1</sup> and, after the decay of the medieval theory in 1300, the State was often induced either to swell the
  - ✧ treasury with confiscations or to
  - ✧ acquire the political support of
  - ✧ the clerical power.
1. The least obscure heretics of medieval times were the Paulicians. They are first clearly heard of in the seventh century. They were persecuted by the Byzantine Empire, but

about 950 were transferred by Zimiskes to Thrace. There they spread rapidly through the Balkan Peninsula, and thence penetrated into many parts of Europe. For example, Naples was "infected with Bulgarian missionaries," who were unmolested by the Normans in Sicily, then at enmity with the Holy See. Their ideas, and those of the Cathari, which were closely akin to them, were tinged with an Oriental pessimism as alien to occidental Europe as the Semitic or Moorish civilisation. They had imported the Manichaeism of the East thinly veiled in Christian terminology.

Their view that matter was evil was not at all incompatible with primitive Christianity. Much of the Pauline teaching is derived and can be logically inferred from this fundamental conception. But such ideas were necessarily in contradiction to occidental beliefs. Philosophies and creeds are, like everything else, intimately connected with soil and climate, and cannot always be transplanted. Even monasticism, imported from the East, was radically altered in the West, where solitary asceticism was for the most part replaced by literary and even agricultural activities.

For the Paulician and other heretics of a similar type the Jehovah of the Old Testament was Satan, and Christ in the New Testament was a phantasm. Their belief in the transmigration of souls would not allow of any created thing being slain. Suicide was an act of virtue. Sexual intercourse was in no circumstances anything but sinful. The efficacy of the Sacrament was denied. A small group of rationalists openly declared that miracles did not happen, and that the production of individual species was a purely natural process.<sup>1</sup>

<sup>1</sup> The "material," as opposed to the "formal," heretic means a person either trained to the Catholic faith, who has abandoned it, or who, having opportunities of realising its truth, rejects it.

<sup>1</sup> For these facts I am indebted to Mr. Henry Lea's exhaustive history of the Medieval Inquisition (Philadelphia, 1888).

The pessimism and rationalism of such notions were not likely to appeal to the common sense of the well-to-do medieval *bourgeoisie*, to say nothing of the upper classes. In a semi-barbaric age the fleshly vices are recognised as the inevitable defects of those qualities that are most highly prized by the community. But a certain minority of men, discontented with the general scheme of things, and sufficiently ill-fed both in mind and body to be impressed with any new idea and to be fascinated with the promise of any millennium, were naturally drawn into heresy. They were probably of the same class from which Nihilists and Anarchists are recruited to-day. They were, of course, looked upon by their neighbours as dangerous lunatics or satanic hypocrites.

Nor was the challenge to the thaumaturgic powers of the Church likely to be more popular. The medieval Church probably ministered more to the whole gamut of the human emotions and intellect than any other body before or since. She at once co-ordinated and satisfied all those cravings which in our day find vent commonly in the musical, literary and pictorial forms of art. Her doctrines supplied a philosophy of life and of the universe, as well as an intellectual gymnastic for the keener minds of the time. The modern visitor of such cathedrals as Amiens, Chartres, Beauvais or Coutances must often feel an almost home-sick longing for the magnificent consolations and exhortations of the medieval Church, as though he felt the hitherto dormant memories of an illimitable past wake within him. Yet there was another side to all this.

None who have not in childhood felt the paralysing terror of a peopled darkness can approximately realise the medieval dread of supernatural enemies. Diabolic monsters were about the path and bed of the medieval

worshipper to seize him with horrible instruments, mercilessly depicted on the walls of the Campo Santo at Pisa and elsewhere if he should have died without holy rites. The witchcraft of pagan times<sup>1</sup> had been absorbed by Western Christianity and supplemented otherworldly fears. It was punished by Valens in the fourth century, and later by the Arian Ostrogoths. Charles the Great charged priests with the investigation of sorcery. It was taken in hand by the Inquisition of the thirteenth century. It is common to think that Joan of Arc's condemnation as a witch was a judicial anachronism. Yet as late as 1440 one Maréchal de Rais was hanged and burned for sorcery at Nantes.<sup>2</sup> What power could ward off these awful foes of mankind but the Church?

Wenn die Kinder sind im Dunkeln,  
Wird beklommen ihr Gemüth,  
Und um ihrer Angst zu bannen,  
Singen sie ein lautes Lied.

It was this undying song of humanity that the Church set to music.

Such thoughts will make us look sympathetically on the medieval layman. He is more worthy of our sympathy than the medieval priest.

2. If the more general tenets of heresy came into collision with the spirit of the age, the anti-sacerdotal aspects of heresy at once evoked the inveterate hostility of the priestly hierarchy, who never relinquished their claims to be the sole interpreters between God and man, to perform the Eucharistic miracle, to possess all the worldly goods they could lay hands on, and to practise a somewhat arbitrary code of morals.

It is often assumed that the clerical

<sup>1</sup> Vide, e.g., Horace's *Epodes*, *passim*.

<sup>2</sup> It is only fair to add that witches were often burnt both in England and Scotland in the sixteenth and seventeenth centuries, *but not wizards*. Women have generally been emancipated from the cruelties of the law much later than men.

persecutor acted purely from philanthropic motives, like the modern vivisectionist. But the history of medieval persecution leads one to infer that the clergy as a whole were roused to much greater activity by menaces to their material comforts in this world than by an altruistic anxiety for the fate of lay souls in the next.

Thus, in the eleventh century, heretics were perverted enough to think the Sacrament polluted by the hands of a priest living in matrimony or concubinage. This evoked, indeed, a papal rescript in 1059 forbidding anyone to be present at the mass of a priest known to keep a concubine. Yet eighteen years afterwards a local priest contrived to burn one of his flock who maintained the orthodoxy of this rescript.<sup>1</sup>

But the two heretical ideas which the priest looked upon as most pernicious were that which attacked his thaumaturgic powers, and that which demonstrated that Christ and his disciples possessed no property. It was the partial prevalence of the former idea which necessitated the extirpation of the Albigenses and the construction of the inquisitorial process; and it was the rise of the latter idea in the fourteenth century which led to the suppression of Wycliffe and Huss.

The chief interest of the Albigensian transaction is threefold. In the first place, Innocent III. was strong enough to rouse Europe against Raymond of Toulouse, though the French monarch was, of course, also influenced by motives of aggrandisement. That is to say, the theocratic spirit of Europe was strong enough to uproot the growth of an autochthonous heresy. Secondly, there is the Pope's open avowal that faith is not to be kept "with those who keep not faith with

God"—a principle he lost no time in acting upon when shamelessly duping the unfortunate Raymond. Thirdly, it marks the destruction of another experiment in toleration. Raymond himself was a good Catholic, but was excommunicated for not persecuting his heretical subjects, and his case was looked upon as a precedent in after years. His Catholic subjects had, like himself, lived in peace and amity with these criminals; both parties were slain fighting side by side against de Montfort's forces.

Raymond was thoroughly humbled, and a sufficient number of his subjects massacred in 1229. It was in this same period that Frederic II., himself by conviction tolerant, if not a Free-thinker, found himself compelled by political exigencies to draw up a persecuting code. Heretics were to be outlawed, and, if condemned by the Church, to be burned. If they recanted, they were to be imprisoned for life, their property to be confiscated and their heirs to be disinherited. All receivers of heretics were to be banished for ever.

This introduced a much severer *régime*, indispensable to the Papacy since there was a stronger tendency to free inquiry, and the papal claims had grown, and were growing. The Carolingian legislation had only subjected heretics to certain civil disabilities. In the eleventh and twelfth centuries Western heretics suffered no severer penalties than confiscation of property, imprisonment, etc. The penalty of fire was now introduced—by Frederic II. in his Sicilian Constitutions of 1231 and in the imperial legislation of 1238, and by St. Louis in 1270. Pedro II. had introduced it into Aragon in 1197, but his example had not until now been generally followed.

In this period also Innocent III. moulded the Inquisition and placed it in the hands of the Mendicant Order, though it only took its final shape

<sup>1</sup> *History of the Inquisition* (Lea), p. 63. The incident recalls a phrase in the laws of our own King Ethelred: "And let him that will preserve his chastity have God's mercy."

under Gregory IX. in 1234, by which date the machinery of all States in Western Europe, except that of the British Isles and the Scandinavian dominions, was placed at its disposal. It represents the most extreme and clerical form of theological persecution, since it undertook the investigation and persecution of opinions, not acts resulting from opinions nor from the open avowal of them. There was not much chance of fair play even so. The trial was conducted generally by one inquisitor, who acted at once as prosecutor, judge and confessor. The resources of espionage, treachery and torture were reserved for witnesses as well as the accused. The secrecy of the confessional was violated.<sup>1</sup> The evidence of those who were not allowed to give evidence in the law courts was allowed here. Surely one may be excused for inferring from such a villainous procedure rather the cowardly self-seeking of "unpleasing priests" than the self-sacrificing determination to save men's souls. The harm resulting from the introduction of this system into the secular jurisprudence of Western Europe can be traced even in our own day.<sup>2</sup>

It is perhaps superfluous to point out what immense power this put in the hands of the clergy. It at once broke down all episcopal independence in the countries where it flourished, and compelled all the secular and social forces into the service of the Church. Its effectiveness in achieving

its ends is conspicuously shown by its later workings in Spain and Italy.

3. It was in the thirteenth century that St. Thomas Aquinas (1227-1274) formulated his conception of heresy, which was generally adopted by contemporary rulers. It is interesting to see how citizenship can exist for the alien heretic.<sup>3</sup> It shows the little rift in the lute that was to end in the modern separation of temporal and spiritual. There are three chief points to be observed in this connection:—

- (a) Those who would now be called "formal" heretics are not to be persecuted unless they "put hindrances in the way of the faith of Christ."
- (b) Heresy is defined in Canon Law as "Error intellectus voluntarius contra aliquam propositionem Catholicam cum pertinacia assertus ab eo qui baptismum accepit." Thus Jews and Mohammedans are not heretics, but holders of erroneous opinions.
- (c) Heresy is, above all things, a sin of the will, by which the intellect is controlled. It is, in short, moral perversity. Hence, persecution is not meant to force a heretic into orthodoxy, but to punish him for a moral and legal offence, and to prevent him from disseminating pernicious doctrines.

"False coiners," argued St. Thomas, "are put to death; then why not men who tamper with immortal souls?" The analogy is built up on a flagrant begging of the question—viz., that material heretics consciously try to persuade men to believe poisonous perversions of the truth, which they

<sup>1</sup> Only a Catholic, perhaps, can realise what a scandalous breach of faith was involved by this.

<sup>2</sup> It is only fair to say that in many respects the penalties and procedure of the Inquisition were not very much worse than those of the contemporary secular courts in the trial of secular criminals. The espionage was a peculiar feature, but even espionage was much practised under the Tudor régime in England. A good statement of the modern Catholic view of both the Roman and Spanish Inquisitions is to be found in a pamphlet by Rev. Sydney Smith, S.J. (published by the Catholic Truth Society).

<sup>3</sup> An interesting example of toleration arising out of political necessity is shown by the undisturbed co-existence of the Greek and Latin Churches in Albania. The Inquisition never came near Albania, though the Popes sent missionaries there (*vide* St. Thomas Aquinas, *Ethicus, Summa*, Eng. trans. [Rickaby], p. 333).

know to be false. This is perhaps the most absurd pitch to which the theological notion of freewill has ever been pushed.

A great change, however, was passing over Europe. This process, christened by Mr. Lecky the "secularisation of politics," was beginning as early as 1300, the year in which Comte thought the Middle Ages ended. There were indeed many signs of it. The great nationalities of Europe were emerging in unmistakeable autonomy. The fall of the Hohenstaufen in 1266 meant the break up of the medieval empire. The Pope was using his spiritual powers for temporal aggrandisement, and had plunged into the ruck of European politics. Old ideas and institutions were in the melting-pot, and the scum floated on the surface. It is a time of thick-sighted ambitions and unhealthy imaginations. The boyhood of the Middle Ages was gone, and the manhood of modern life had not matured.

It is at this time that we see Boniface VIII. defied by Philip of France and using the powers of the Inquisition against the Colonna family; and in 1309 we find the Pope Clement V. proclaiming a crusade against Venice merely by way of an appeal to the purses of the faithful. In the same year this Pope inaugurated the "Babylonian Captivity" by residing at Avignon; for sixty-nine years France kept a tame Pope on her soil, and this elicited a storm of anti-papal feeling in England, bluntly enough expressed in the petitions of the Good Parliament in 1376, and in the anti-papal statutes of Provisors and Præmunire. At the beginning of this same century Philip the Fair was helped by the Pope to carry out his infamous spoliation of the Templars, and the Vicar of Christ subscribed unscrupulously to what was for the most part a mass of unproved calumnies.

The decline of the theocratic spirit in Europe was chiefly due to the waning influence of the Papacy and the priesthood, to the growth of secular national monarchies and to the enlargement of the intellectual area in the Renaissance. Interesting examples of these different movements are the difficulties encountered by the clergy in dealing with men as different as Wycliffe and Savonarola, John Huss and Pomponazzi.

The clergy were at first almost powerless against Wycliffe, especially while he was under the protection of John of Gaunt. They had long ceased to take any leading part, as they had done before, in constitutional reform or other political activities, and their judicial power in the Court of Chancery was often assailed by the Commons. Thus Wycliffe was hardly molested during his life, and the execration of his memory and the persecution of his followers were due, in the first place, to the terror inspired by their socialistic theories in the land-owning Commons, and, secondly, to the weakness of Henry IV. Head over ears in debt to the territorial families who had put him on the throne, he found a counterpoise in the support of the Church. Nor were the English clergy alone weak. In other countries the clergy had to assert themselves more and more by temporal rather than by spiritual weapons. Intellectually they were worsted by the jurists, and morally they were discredited by the fortunes of the Papacy.

The fifteenth century brings about a series of concordats between the Papacy and the monarchs of Europe. These mostly concern rival claims to taxation, but they betray an obvious desire on the part of the secular potentates to make citizenship paramount as against the cosmopolitan pretensions of the Papacy. The Papacy had been thoroughly demoralised by the forty years' schism, which



only ended in the conciliar movement beginning about 1409. This movement meant nothing more nor less than putting the Pope under the control of a committee of European sovereigns. It was the beginning of the bankruptcy of the Papacy, which preceded by less than five centuries the bankruptcy of Protestantism.

The so-called revival of the Papacy under Martin V. was really a symptom of its decline, for the Papal energies were now directed to setting up an Italian principality with Italian ambitions, chiefly based on a capacity for sowing discord among the cardinals and among the Roman nobles, for choosing the best *condottieri* and for using the purely diplomatic connection with the European States to further Italian schemes of attack and defence. Hence it came about that Savonarola, executed two years before the close of the century, could successfully defy Alexander VI. until other circumstances became too strong for him. His political activity raised up political opponents, his theocratic claims offended lovers of learning and of pleasant vices, and his prophetic rôle degraded him to the position of an unsuccessful thaumaturgist.

It would be wearisome to recapitulate the evidence of the increasing power gained by the monarchs of this century, such as Louis XI. and Edward IV. The fifteenth century contains in embryo all the great changes that came to pass in the next, and it is not too difficult to analyse either causes or effects. But the Hussite wars illustrate this tendency in an extreme form, since they constituted an open revolt against the medieval system of Europe, no less against the Emperor than against the Pope.

Had Huss been more politic in the expression of his opinions, this symptom might never have come to light. The strength of his position is proved by

Sigismund feeling bound in the first instance to give him a safe conduct from Bohemia to Constance; and, had he not made the Papacy itself the direct objective of his own attack, he would have said little that the clergy were not often obliged to endure hearing from laymen. But his lack of respect for principalities and powers gave his ecclesiastical opponents a hold over the civil authority, and they had little trouble in getting him burnt, though the Hussite wars lasted more than half a century, and seriously embarrassed both the imperial and papal authority.

The enlargement of the intellectual area has also been exhaustively handled by many excellent historians. Here I am only concerned to point out that the discovery of America in 1492 was almost as revolutionary, from the intellectual standpoint of the Church, as the later researches of Galileo; but it was obviously of no use to deny the former proposition, since its truth could be very easily tested.

The importance of the Renaissance consisted less in the acquisition of fresh knowledge than in the change of mental attitude. This attitude was individualistic and academic. The duties of asceticism were eclipsed by the rights of self-development, and the whole scheme of human society and of the universe could be discussed in terms of classical philosophy. The new individualism diminished the authority of society at large to prescribe the limits of discussion, and the new learning made it easy to assail the most essential doctrines of Christianity itself in the sheep's clothing of an inquirer into the mysteries of Platonism. The Papacy could do little in the way of preventing such disputations, especially when the popes themselves were drawn into the movement. All this goes far to explain why Pomponazzi (1473-1525) and other writers of the Renaissance

were left to attack beliefs so fundamental as the immortality of the soul on the strength of saving clauses which were palpable quibbles.<sup>1</sup>

In short, there seemed some hope for toleration as the priesthood became more contemned and contemptible. But at the beginning of the sixteenth century the mud of

theological disputation was again stirred by an excitable monk.

It was an obscure German who roused the long fermenting anticlericalism of his countrymen, and in swift sequence the discontent of Western Europe with the decay of medieval Catholicism. His name was Martin Luther.

<sup>1</sup> Pomponazzi actually wrote words like these: "If the three religions are false" (*i.e.*, Judaism, Mohammedanism, and Christianity), "all men are deceived; if only one is true, the majority of men are deceived."

### CHAPTER III.

## WESTERN EUROPE IN THE SIXTEENTH CENTURY

BEFORE the sixteenth century it can be boldly said that religious toleration was practically outside the experience of European Christendom, except in the countries where the Greek and Latin Churches were co-terminous and had to keep the peace with each other. Yet, as I wrote in the last chapter, the thin end of the wedge had been introduced by the toleration of the Jews, who were admitted to the rights of citizenship in spite of their heresy.

There are four great stages in the modern history of toleration.<sup>1</sup> The first is the territorial settlement of "*cujus regio, ejus religio*," virtually obtained by the Religious Peace of Augsburg in 1555. The second is the toleration of one other religious party in the State, and was achieved in the Edict of Nantes, published in 1598. The third is the toleration of more than one dissenting body, such as the English Toleration Act of 1689. The fourth is the toleration of indi-

viduals, which was theoretically recognised about 1789; but its best practical example is perhaps the permission given to Mr. Bradlaugh in our own time to enter the House of Commons.

The first stage was not reached till the middle of the sixteenth century, and the second not till the close of it. Yet the Protestant Revolution was in full swing by 1530. What, then, were the causes which retarded the progress of toleration? Any attempt to answer this question involves some examination of the new theories of toleration, and of the extent to which they were allowed to enter into the region of experiment.

The Protestant theory of toleration, such as it is, goes back to the school of the Ghibelline writers who flourished in the beginning of the fourteenth century, and who built up the most exalted theories of the Empire in one of its worst periods of decline. The boldest theory is that expounded in the *Defensor Pacis* by Marsiglio of Padua, published about 1325, in which he unhesitatingly supports the separation of the temporal and spiritual powers, the supreme authority of general councils in interpreting the

<sup>1</sup> This was partially suggested to me in conversation by Mr. A. L. Smith, Fellow of Balliol College, Oxford. Professor Ritchie has shown how even the first ideal was not realised in Switzerland till 1848.

Scriptures and the general subjection of the universal Church to the universal State. The existence of the priesthood can, he thinks, only be justified by their ministering, like any other profession, to human wants; they have no right to possess political power. Christ expressly declared himself subject to the authority of the State and left no tradition of political authority to bishops or priests. They have, indeed, the right to reprove sinners and transgressors of God's laws and to declare what they think heretical and what not. But they have no coercive authority such as the State possesses.

The State, on the other hand, is not concerned with other-worldly sanctions and must leave the judgment of the heretic to divine jurisdiction; for it is not qualified to interfere in religious matters, except for police purposes. The State does not profess to punish men for transgressing the law of God; for example, there is no civil legislation against such sins as fornication.

Marsiglio was, of course, too little in touch with his age to influence his contemporaries, but his ideas lived after him, and were spread broadcast by men like William of Ockham. Nor was his theory at all realised in practice till the experiments of L'Hôpital in France and of Lord Baltimore in Maryland.

Towards the end of the seventeenth century a similar system was established by William Penn in Pennsylvania, and at the end of the eighteenth century by the newly-formed commonwealth of the United States. Here I need only point out that few States have ever refrained from claiming a moral sanction for their existence, and that, until the time comes for admitting that morality may exist independently of religious sanctions, the religious neutrality of the State is impracticable.

The territorial settlement of the

Peace of Augsburg in 1555 marked a new epoch in so far as it destroyed the "assumption on which the Empire was founded." This assumption, Mr. Bryce writes, was that "the limits of Church and State are, exactly co-extensive."<sup>1</sup>

Here we are naturally led to ask what alternative theory of citizenship had been offered by the leaders of the party who gained this compromise—by Luther and Melancthon in Germany, and by Zwingli in Switzerland.

The Confession of Augsburg, for which Luther and Melancthon were responsible in 1530, uncompromisingly separates the temporal and spiritual. In it occurs this sentence: "Seeing then that the ecclesiastical power deals with things eternal and is exercised only by the ministry of the Word, it does not interfere with the administration of civil affairs any more than does the art of singing."<sup>2</sup> So the Confession continued after the Marsiglian fashion. Now, were toleration quite unconnected with scepticism, this purely political solution would have answered well enough. It was just because religious differences inevitably bred external and internal disturbances at this time that men's minds refused to be tutored by considerations of political compromise for another century. For all that, political compromise has usually done much more for toleration than the eloquent reasoning of books like *Arcopagitica*.

The social and political disintegration of Germany thwarted the overthrow of theocracy not only in

<sup>1</sup> Bryce's *Holy Roman Empire*, p. 335. Mr. Armstrong argues that the Peace was not a legal basis for the principle of "*cujus regio, ejus religio*." "Such an inference was not intended." "At most the Act was merely provisional and suspensory; it could give no guarantee for a new constitutional principle."—*The Emperor Charles V.* (Armstrong), London, 1902, pp. 220 and 221.

<sup>2</sup> I quote the translation of Mr. Innes.

Germany, but also in Switzerland; the change did little more than *territorialise* and *parochialise* theocracy. Luther did, indeed, conceive of the magistrate as having no more than police powers. But Melancthon consistently regarded the magistrate as an instrument of heavenly light; and Luther had to acquiesce in this view, because he was forced to realise that the civil power could not be really neutral.

In 1540, as Dr. Döllinger tells us, Luther and Melancthon gave out that the civil power lay under an obligation to enforce the observance of God's Law as contained in the Ten Commandments. The first table of this Law necessitated the enforcement of right doctrine and worship. This theory was realised in setting up consistories, or boards of jurists and theologians appointed by the civil ruler, which dealt with Church discipline as if it were a police organisation.

The republican Zwingli pushed these views still further. The circumstances of his life made him more extreme. In 1522 he helped to free Zürich from the feudal and episcopal control of Constance, and as a politician he had to construct a system which would suit the autonomy of small Swiss republics. He was naturally attracted to the ancient idea of the Greek and Roman city-state. The State was bound to declare its religion, and the magistrate was therefore bound to act on such a declaration. He died fighting in 1531, but his ideas did not die with him; they revived under Calvin five years later.

Yet Zwingli was the most tolerant and liberal of the Reformers. He ventured to think, like St. Thomas Aquinas, that the heathen might be saved. His views on transubstantiation and on the scope of Scripture scandalised Luther. But he saw clearly that the religious neutrality of

the State was impossible, and acted accordingly.

I have called the Lutheran and Zwinglian schemes theocratic. Indeed they were so in early theory, but assuredly not in later practice. They admitted of developments which Calvinism put out of the question. The subsidiary position of the priest brought the religious body into the region of political compromise, and was bound to end, as Luther's solution of the problem did end, in what is known as Erastianism—*i.e.*, the subjection of a national Church to a national State—a settlement which begins by assuming religious homogeneity within the State and the exact coincidence of the State creed with citizenship.<sup>1</sup> This merely meant that the imperial idea had been abandoned and the territorial or national idea set up in its place; but it did not involve toleration, for it only liberated European States from the suzerainty of pope and emperor. Hence comes the corollary of the divine right of kings, christened by Stubbs a "regal papacy," and exhumed by the Kaiser Wilhelm in the course of the Hague Conference of 1899. The spirit of nationality demanded national papacies.

That ideas essentially theocratic—

<sup>1</sup> I do not feel it necessary to enter into a long disquisition on Erastus and the philosophical mazes of the word "Erastianism." It has usually been a type of thought peculiarly congenial to lawyers and statesmen. One of its purest expressions was the reported speech of Lord Melbourne after hearing a sermon on the use of strong language: "No one has a more sincere respect for the Church than I have, but things have come to a pretty pass when religion is allowed to invade the sphere of private life." Cf. also Selden's *Table Talk*: "Whether is the Church or the Scripture Judge of Religion? In truth neither, but the State" (Religion); and "there must be some laymen in the synod to overlook the clergy lest they spoil the civil work. Just as when the good woman puts a cat into the milk-house to kill a mouse, she sends her maid to look after the cat lest the cat should eat up the cream" (Synod).

*e.g.*, that of the secular power being divinely appointed and regulated after the Roman model—should have ended by moulding religion to exigencies of State, strikes us in the stream of history as an abrupt and a somewhat unexpected phenomenon. The historical explanation of this, and also of the causes which retarded the progress of toleration, is necessarily somewhat intricate. The first part of it involves some account of the events in the Empire that led up to the Peace of Augsburg, and the second part necessitates a short review of developments in European history outside the Empire.

The Lutheran bombshell of 1517 set in motion disintegrating forces that were not spent till the Peace of Westphalia in 1648, and ultimately even wrought the downfall of the Empire in 1806. The same train of events deprived Germany of a national consciousness till the nineteenth century. But in the weakness of the Empire lay the great strength of the Reformers. This weakness was mainly due to the lack of any political homogeneity, and not directly to any religious revolt. The fifteenth century had witnessed the utter failure of all endeavours to achieve an imperial centralisation and representation of the community. The Empire itself seethed with the discontent of all classes and orders.

The causes of this were political. The open defiance of the papal authority necessitated a revolution in the whole political theory of Europe. In the first place, it finally upset the imperial theory, which was essentially bound up with the papal position; and, in the second place, it involved an entire readjustment of the relations between the State and the individual. Were these relations to rest upon the divine right of kings or upon the democratic theocracy of Calvin and the Jesuits? The imperial theory comes first in importance and chrono-

logy. I propose, therefore, first, to examine as briefly as I can the theories of civil magistracy held by the leaders of the religious change and the events that led up to the settlement of 1555; secondly, the tendencies to an Erastian solution of the difficulty in England and Spain; thirdly, the fortunes of theocratic democracy in Switzerland, France, and Scotland; and, fourthly, the advance of toleration due to the increasing secularisation of European politics.

From 1476 to 1512 there was an epidemic of peasant revolts against feudal abuses, which were often bound up with ecclesiastical authority; and these recurred later in Luther's life. The towns enjoyed a self-sufficient autonomy, which disinclined them for any collective co-operation with the imperial authority. The knights were ruined by economic changes, and their hand was against every man's; they were, however, finally crushed in 1523. The strongest tendency amid all these conflicting forces was to increase the federal power of the territorial princes. With this movement the Reformers allied themselves, but even here there was bound to be a division; for the ecclesiastical electors, however anti-Roman in politics, could not side with the rebel party.

The strength of the Federalist party compelled the Emperor to dole out a certain measure of toleration on different occasions. But the princes could not have achieved this by themselves. The foreign complications of the Empire explain the suddenness of the imperial concessions quite as much as the internal uprisings of the reform party, and the contemporary history of France illustrates the same principle. When Charles V. and Francis I. were not attempting to invade each other's territory, they persecuted heretics with great vigour, but they left each other little leisure for domestic occupations of this kind.

Apart from the swelling ambitions of Francis I., the Empire was sufficiently menaced from without; Switzerland had virtually seceded from it, and Maximilian's erratic expeditions into Italy had made him the laughing-stock of Europe. There was, too, the irrepressible Turk to deal with.

In the face of such dangers it was plainly necessary for Charles V. to declare Luther a heretic by the Edict of Worms in 1521, and to acquiesce in a treaty with Leo X. stipulating for the suppression of heresy. But, as so often occurred throughout the century, spiritual theories fell before temporal practice. In 1526 Charles quarrelled with the Pope Clement VII., who was secretly encouraging his perjured enemy, Francis I., against him—a policy which ended in the sack of Rome during the next year. The Emperor then ignored the Edict of Worms and provided the Protestantism of the future with a legal basis. In June of this year the Diet of Spires anticipated the compromise of 1555 with the decree that every member of the Empire should so conduct himself with regard to the Edict of Worms as he should answer for it towards God and his Imperial Majesty.<sup>1</sup>

Three years later the Diet of Spires proposed to return to the Edict of Worms. Against this the reform party, headed by John of Saxony, George of Brandenburg, and Philip of Hesse, protested, thus becoming known as *Protestants*; and—a point of minor importance—the Emperor's hands were now tied by the encroachments of the Turk.

At this point may be discerned the water-parting of modern European religion; for the next year, 1530, brought matters to a crisis; the Con-

fession of Augsburg was presented to the Emperor and the Schmalkaldic League was formed for the defence of the Protestants. These two events introduced a Federalist or territorial interpretation of the imperial constitution and a new conception of the civil magistracy.

I have already attempted to summarise the Protestant theories of the civil magistracy. The new interpretation of the imperial constitution was important, because it made both parties, the Emperor and the spiritual princes on the one hand, the secular princes and the inferior clergy on the other, look to external allies in Spain and Switzerland respectively; and because it forced the Emperor to temporary compromises till he acquiesced in the territorial settlements of 1555. Thus in 1532, menaced also by the Turks, he gave provisional toleration to the Protestants, and in 1541 he confirmed this treaty and allowed them to be represented in the Imperial Chamber despite the recent excesses of the Anabaptists in Munster, which had much discredited the Protestant cause.

But in 1545 the truce with the Turks and peace with France left him free to act. In the following year Luther died; Charles subjugated Germany with Spanish troops, and, partially aided by the time-serving policy of Maurice of Saxony, defeated the Protestant princes at Mühlberg in 1547.

Five years later, however, the Protestant party revived, after refusing to accept a religious compromise<sup>1</sup> offered by Charles, and, under the leadership of Maurice, forced Charles into the treaty of Passau. The Protestant leaders were set free, and the Lutherans received complete toleration.

This culminated in the Religious Peace of Augsburg of 1555, based on

<sup>1</sup> "Für sich also zu leben, zu regieren und zu halten, wie ein jeder solches gegen Gott und Kaiser.....hoffet und vertrauet zu verantworten" (quoted in Ranke's *History of the Reformation in Germany*).

<sup>1</sup> The Interim.

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the territorial compromise of "*cujus regio, ejus religio*," which was a more lasting arrangement. The Lutherans were permanently represented in the Imperial Chamber and confiscations of ecclesiastical property remained *in statu quo*.

Thus, finally, the Protestant and Federalist interpretation had triumphed, though it sowed the whirlwind of the Thirty Years War. As a practical device, it had its merits; as a theory of toleration, it was about as satisfactory as the modern plan of putting the control of the rural licensing system into the hands of the English landowner, and it caused spasmodic persecution even in the eighteenth century.

This theoretical incompleteness is, however, in itself worth observing, for it is typical of Protestant ideas of toleration. Protestantism knew what it did not want better than what it did want, and this is still an important characteristic of the Protestantism which makes for a complete separation of Church and State.

But the historian is left wondering how even this degree of toleration was obtained. The general decline of the medieval ideal would not of itself have sufficed to bring about this consummation. I have described the events that led up to it in some detail for the very reason that the imperial weakness was in a great measure due to what I venture to call "accidental" causes—that is, causes not consciously recognised by the politicians of Europe and extraneous to its religious trend.

Throughout Western Europe, not excluding the Scandinavian States, the success of the Reformation was, in the first instance, almost entirely due to the rise of independent monarchies and secular nationalities, the beginning of which I touched upon in the last chapter. That it was not a purely dynastic or political movement of a homogeneous type is shown by the marvellous differentiation of

national cultures in the sixteenth century; the different types presented by Rabelais, Calderon, Erasmus, Tasso and Shakespeare are bewildering in their diversity.

The so-called Erastian idea was inherited from fifteenth-century Spain and acted upon by Charles V. and Philip II.; it was consummated in the Tudor monarchy, which alone perfected it, and in France it was only nipped in the bud by the success of the League and by that revolt of Huguenot publicists against the monarchy which forced Henri IV. into a genial Catholicism.

Spain presents a different and peculiar failure. I will consider it in detail. Under Ferdinand and Isabella the Inquisition was a crown institution, and no more nor less than a department of State. This continued to be the case under Charles V. and Philip II., who tried to set it up in the Netherlands. Spanish history had been, as Dean Milman wrote, one long crusade, and had lain apart even from medieval Christianity. Even after the fall of Granada in 1492, religion had been the only bond of unity in Spain, and the rise of Islam in the Mediterranean area as later represented—*e.g.*, by the Barbary Corsairs of the sixteenth century—seemed likely to excite the Moors to a hostility which enhanced the religious cohesion of Spain.

The theory of medieval Catholicism never necessitated spreading opinions by the sword; the medieval crusades were undertaken to rescue the Holy Sepulchre from desecration, not to convert the heathen, and such institutions as the Teutonic order attempted more to colonise than to proselytise. Yet Spain allowed no citizenship except through Christian baptism to the Moors and Jews, and carried these ideas as far as Peru. Such spontaneous orthodoxy made the popes little inclined to interfere with the ecclesiastical government of

Spain, though rare instances do occur of such interference. The popular attachment to the Pope could be safely relied on.<sup>1</sup>

Machiavelli was, no doubt, right in thinking Ferdinand's religious professions hypocritical, and Charles V.'s ideal pope would certainly have been an "imperial chaplain." Still, neither cared to outrage public opinion. Ferdinand had to reiterate the orthodoxy of his motives *ad nauseam*. Charles could not overtly favour the Protestant party, and had to be extremely circumspect after allowing the sack of Rome in 1527, which was naturally a shock to believers. But the Erastian nature of the Spanish Church became unmistakable in the first meetings of the Council of Trent, when the Spanish bishops almost unanimously denied the papal authority and claimed a directly divine appointment. Since 1482 they had been nominated by the king.

England presents, perhaps, the most interesting spectacle of all. It must be remembered that the papal supremacy did not present itself in very clear-cut outlines to the Catholic in the earlier part of the sixteenth century, nor did it seem an essential part of his creed till the meeting of the Council of Trent. It is this fact that alone makes the action of Henry VIII. and the earlier policy of Elizabeth at all intelligible.

It is not often enough borne in mind that Henry VIII. remained a Catholic, in spite of his political hostility to the papacy, up to the end of his days.<sup>2</sup> From 1539 to 1547 he

was, to use his own phrase, balancing the "rash" and the "dull" parties; and, by dint of cunning insight into the state of public opinion and carefully graduated action, he always had the bulk of the nation behind him. But, as a matter of policy, religious disputation had to be silenced. The king and his council told the people at suitable intervals what they were to think, and this usually amounted to prohibiting any speculation at all upon knotty points. Toleration was undreamt of by any but the utopian More, who found it impossible to realise in practice. Protestants held no different views. Cranmer, in his *Reformatio Legum Ecclesiasticarum*, writes that the "obstinate heretic is to be punished"—probably by death.<sup>3</sup>

Latimer writes in one of his letters that he is coming "to play the merry-andrew"—i.e., preach during the slow roasting in a chair-cradle of old Dr. Forrest, Queen Katharine's chaplain, who was thus punished for expressing an opinion hostile to her divorce.<sup>4</sup> Clearly these Protestant martyrs were honest bigots, and only suffered what they inflicted on others.

The piracy of Edwardian Protestantism and the savagery of Marian Catholicism justified Elizabeth in her resolution to suppress theological disputes, and in her attempts to form a party of national Catholics, typified in

to advance the Reformation than any other English statesman, in his will, dated July 12th, 1529, besought the Virgin Mary and all the "Holy company of Heaven" to be "Mediators and Intercessors for him to the Holy Trinity," and wished his executors to "conduct and hire a priest to sing for my soul by the space of seven years after my death, and to give him for the same £6 13s. 4d. yearly for his stipend" (*Life and Letters of Thomas Cromwell*, by R. B. Merriman, Clarendon Press, 1902, pp. 56 and 61).

<sup>1</sup> Vide article on "The Just Punishment of Heretics," by Dr. Wood, in the *Nineteenth Century* of June, 1898.

<sup>2</sup> *Ibid.*

<sup>1</sup> "The Spanish clergy were, owing to the royal rights of nomination, completely under the crown's control, and this was no doubt increased by the introduction of the Inquisition, which was practically.....a royal institution, worked not through the bishops but through the friars" (*The Emperor Charles V.*, Armstrong, London, 1902, p. 20).

<sup>2</sup> It is interesting to note that his great Minister, Thomas Cromwell, who did more



Howard the Admiral,<sup>1</sup> who led the fleet against the Armada. Hence Elizabeth was forced to stop Puritan "prophesyings" and unlicensed preaching, and to compel membership of the national Church since ecclesiastical uniformity was essential to national unity. Under this secularisation of the Church sprung up the germs of free thought in the writings of men like Hooker and Jewell, who founded the rationalistic and tolerant traditions followed by the school of Chillingworth and Jeremy Taylor—intellectually the greatest men the Church of England has ever produced.

This secular tendency of contemporary thought, which prevailed throughout sixteenth-century Europe, might have come to the rescue of intellectual freedom but for the recrudescence of the theocratic spirit in Calvinism, established at Geneva in 1541, and in the Society of Jesus, which was founded in 1540.

History would not be really human had it not a curiously tidal ebb and flow in its workings. Calvin and Loyola were both unexpected forces, and each incalculably retarded the progress of really free thought in Great Britain and France—the two countries pre-eminently in the van of intellectual progress from 1600 to 1800.

In Great Britain Calvinism spread from Scotland to England in the seventeenth century, and, though prominent in bringing to a head and substantially aiding the Great Rebellion, imposed on the lower middle class that fatal rigidity of mind, unclean attitude to life, and Judaic incapacity for justifying to itself essentially self-seeking aims which are the qualities usually implied in the popular phrase, "the Nonconformist conscience." The abominable treatment

of Ireland from 1650 to 1800, and our obscurantist attitude to some of the great social and philosophic problems of the nineteenth century, illustrate what I mean. The true strength and value of Calvinism, as of the Society of Jesus, lay in its genuine democracy.

In France, as elsewhere, the Jesuits revived a theory of papal theocracy by which they justified political assassination. The "League" was one of their chief achievements, but in speculation also they inaugurated a new school of political thought which partially survives in the democratic ultramontaniam of the modern Catholic Church.

At the outset, however, the Erastian tendencies of the French monarchy, together with the Gallican independence decisively obtained in 1438, might have helped to establish toleration. This opportunity Francis I. bartered to Leo X. in 1516 in exchange for the Erastian power of appointment to ecclesiastical dignities. His policy was, in spite of Parisian sentiment, tolerant till the battle of Pavia in 1525, which made the unhappy king a shuttlecock for Pope and Emperor. To gain over the Pope the persecution of heretics was necessary, and to the end of the reign each truce with Charles is marked with an outbreak of fire and sword against the Protestants.

After the death of Francis in 1547, the monarchy became weaker and weaker, as the ineffectiveness and discontent of the nobility and the bureaucracy became stronger and stronger. Under Henri II. France was, indeed, allied with the Turk and with the German Protestants; but such leanings also appear in the papal policy, as I shall show later. The supremacy of the Guises may be said to have dated from 1558, when they unhesitatingly threw in their lot with the Spanish and papal party. They were strong enough to bring Catherine de Medici over to their side in 1555.

<sup>1</sup> Howard's "Catholicism" has been lately questioned. But I am sure he would much have disliked being called a "Protestant."

This finally destroyed the strenuous efforts to establish toleration made by L'Hôpital, the Catholic Chancellor.

In speech and action the Chancellor had always insisted on the possibility of citizenship being independent of creeds, and on the impossibility of setting up any religious tribunal to arbitrate finally between Catholic and Protestant. This great man died in 1573, the year after the massacre of St. Bartholomew, which raised up the national party of the *Politiques*, to form which he had so long striven. The political theories of the Jesuits were both moulded and embodied in the League, which brought into being a democratic theocracy under the hegemony of the Guises and of Spain. A similar constitution was federalised by the Huguenots under the influence of the new anti-monarchic theories of Hotman and Mornay,<sup>1</sup> which it would be irrelevant to discuss at length. The *Politiques* alone remained royalist and national.

The clerical party at length overreached itself in the assassination of Henri III. by a fanatical monk. Henri III. could not possibly lead the *Politiques*, and Henri IV. was precisely the sort of leader they wanted. Their victory under him made possible the toleration secured by the Edict of Nantes, but it was only a temporary and unstable equilibrium between two hostile parties. Henri himself had to propitiate the Pope by readmitting the Jesuits and by the basest ingratitude to the Ferrarese family of Este, who had helped him with large subsidies.<sup>2</sup> The Huguenots were, however, a real obstacle to the homogeneity of the State, so that we have the edifying spectacle of Richelieu persecuting them at home while he contracted alliances with foreign Protestants.

Neither the Pope nor the Gallican clergy would acquiesce in toleration, and the revocation of the Edict of Nantes came later than might have been expected considering the powerful hostility it aroused. But the Edict itself marked another historical epoch, and it is significant that the lawyers and the national party should have emerged to defeat each of the theocratic parties—namely, the Calvinistic Huguenots and the Guises.

The followers of Calvin and Loyola made a heroic attempt at reaction, but their theocratic ideals were, in spite of them, absorbed in and secularised by politics. Their aims became political, and the methods of party politics were introduced by both into religion.

In 1536 Calvin began organising his theocracy in Geneva after an even more uncompromising fashion than Zwingli. The inevitable attempts at regulating individual morality jarred on the city so much that Calvin and his colleagues were ejected. But the year 1541 saw his system re-established. It consisted of a "congregation" of pastors and elders elected by ecclesiastics and of officials elected by the laity, and also of a "consistory" of pastors and elders. The consistory punished all sin and the congregation interpreted Scripture and had an ultimate jurisdiction in everything. A chronic opposition, however, always existed in the city. Calvin attempted to intimidate his opponents by the burning of Servetus, a mystical writer who criticised the doctrine of the Trinity. His person Calvin only obtained through collusion between the Catholics at Lyons and the anti-Calvin party in Geneva, who betrayed Servetus after promising safety to him. This act is characteristic of Calvin and of his rigid creed.<sup>3</sup> His ideas have succeeded by

<sup>1</sup> The works were Hotman's *Franco-Gallia* and Mornay's *Vindiciae contra Tyrannos*.

<sup>2</sup> Vide Ranke's *History of the Popes*, book vi.

<sup>3</sup> It has been urged that Calvin wished to avoid burning Servetus, and would have

their intellectuality and in spite of their implicit immorality. Predestination is true enough of this life, at any rate, but John Stuart Mill's remarks in his *Autobiography* on its ethical aspect as a creed are irrefutable.<sup>1</sup> Calvinism has produced statesmen, but rarely saints.

Calvinism was transplanted to Scotland by John Knox, where its ideas and institutions moulded the national history in the most remarkable way. It provided an excellent machinery of organisation for the French Huguenots, and it even found its way, owing to the return of Protestant exiles from Geneva after Mary's death, into the Thirty-Nine Articles. Probably few Anglican clergymen realise that they are committed to a doctrine of Predestination, though the article in question tells us that it is only "curious and carnal persons" who will think about it.

The Society of Jesus has also produced few saints, if we except its founder, an ecstatic visionary, and the zealous missionaries in South America and elsewhere, whose single-minded self-devotion is beyond praise. In the old world, however, the Jesuits became chiefly remarkable for intriguing against most established governments, for educating the young to detest common honesty, whether social

or intellectual, and for combining with Caraffa in order to re-establish in all Catholic countries the old Inquisition on the improved Spanish model.

Modern Catholics tend to regard the modern Jesuit as an *enfant terrible*, but such childhood is at least the second childhood of the Order. They became famous as publicists. They revived the medieval arguments of John of Salisbury for tyrannicide; from the papal supremacy they deduced the right to depose a heretical monarch; they, and in particular Suarez,<sup>2</sup> revived and embellished the old ecclesiastical claims, and furnished an armoury of reasoning for the English Liberal philosophy of Sydney and Locke.<sup>3</sup> In all this the Jesuits only exemplify Jowett's famous remark in the essay he contributed to *Essays and Reviews*: "The theologian may find peace in the thought that he is subject to the conditions of the age, rather than one of its moving powers."<sup>3</sup>

Thus, generally speaking, the conditions of this age much accelerated the secularisation of politics. I have shown how the persecutions of the French and German Protestants varied concomitantly with the foreign policy of Charles and Francis, and how the religious change in England was as purely political as any so-called religious movement can be.

A medieval pope would hardly have brooked his successor, Julius III., promoting a mutual understanding in 1552 with the Protestant Brandenburg, and invoking the aid of the infidel Solyman I. against the emperor. We find the orthodox Philip II. interceding with Mary for English heretics, and after her death proposing marriage to her heretical sister, Elizabeth.

preferred a more summary method of execution. But legal technicalities had to be observed, and it was important not to be behind the Catholics in severity.

<sup>1</sup> "My Father was.....well aware.....that Christians do not, in general, undergo the demoralising consequences which seem inherent in such a creed.....to the extent that might have been expected from it. The same slovenliness of thought, and subjection of the reason to fears, wishes, and affections, which enable them to accept a theory involving a contradiction in terms, prevent them from perceiving the logical consequences of the theory." The context of this remark—viz., the first few pages of the second chapter—is worth reading. Both the Mills were, of course, by training accustomed to associate "Christianity" with Calvinism.

<sup>2</sup> The doctrine in the articles is Lutheran, but would hardly have remained but for Calvinistic influences. *Vide Suarez De Legibus*, 1619.

<sup>3</sup> I owe this suggestion to Mr. Pogson Smith, Fellow of St. John's College, Oxford.

<sup>3</sup> *Essays and Reviews*, London, 1896, p. 513.

Even the less versatile Turk was guilty of acquiescing in Greek Christianity in order to have more land cultivated, and to enjoy the poll tax paid by each Christian for the privilege of professing his faith.<sup>1</sup> In fact, the tendency to secular ideals was so strong that Bodin, before the end of the sixteenth century, and Suarez, in the second decade of the seventeenth century, had formulated theories of persecution and toleration which practically lasted till the French Revolution.

Thus Bodin, in his *Colloquium Heptaplomeres*, writes of a dialogue at Venice on religious subjects between a Catholic, a Lutheran, a Calvinist, an Erastian or Nationalist, a Jew, a Mahomedan, and a Naturalist (*i.e.*, probably a believer in "natural religion"). The Catholic upholds the compelling theory of Augustine, the Calvinist holds that public order demands religious homogeneity, and the "Naturalist" argues that no civic morality can exist without a belief in future rewards and punishments.

Again, Suarez, in his treatise *De Legibus*, shows how heresy and blasphemy must be punished only for police purposes, "quia etiam haec vitia nocent valde reipublicae Christianae, etiam quoad externam pacem et felicitatem temporalem."<sup>2</sup> He points out that the Church has never doctrinally committed herself as to the existence of any necessary unity

of Church and State, and that Catholic truth admits of the Church possessing no temporal power as in early times. The rights of an established minority can be respected, but religious innovators are to be expelled. Opinions cannot be persecuted, but only external acts proceeding or resulting from them.<sup>3</sup>

Now these are for the most part the ideas of the chief European thinkers on this subject in the next two centuries. I need only refer to the names of Locke, Spinoza, Grotius, Hobbes and Harrington, in the seventeenth century, and of Leibnitz, Puffendorf, Montesquieu, Mably, Rousseau and Voltaire, in the eighteenth century.

All these men agreed that persecution is necessary for political and police purposes, and that Atheism must be suppressed, because it annihilates civic morality—for example, in regard to contracts. To these theories I shall return in a later chapter. I need only point out how deeply rooted the secularisation of politics must have been for thinkers of the last years of the sixteenth century to be in such essential agreement with the thinkers of so secular a period of thought as the middle of the eighteenth century. And this secularisation was explicitly a sequel of, as it had implicitly been a preliminary to, the Reformation.

<sup>1</sup> Vide Finlay's *History of Greece*, vol. v.

<sup>2</sup> "Since these vices greatly injure a Christian commonwealth in regard to its being at peace with its neighbours and its temporal happiness."

<sup>3</sup> As for another representative thinker, it is interesting to observe how impracticable Bacon evidently regards religious unity in his essay on the subject.

## CHAPTER IV.

## ENGLAND AND THE COLONIES IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES

FOR the last three centuries this summary may best be mainly confined to the growth of toleration in English history: in the first place, because the modern separation of Church and State was first entirely achieved by an English-speaking commonwealth, and now prevails over a vast area of the modern world; secondly, because I have the authority of Dr. Döllinger for thinking that the history of religious freedom is best worth studying in the records of the English-speaking race; and thirdly, because this problem, like many others, was solved far more equitably and far less violently in England than elsewhere.<sup>1</sup>

The interest of England in the seventeenth century lies in the fact that Englishmen, for the first, and perhaps the last, time in their history, began to argue on religion and politics from a deductive point of view, and to treat them as real matters of principle. This habit of mind was, perhaps, inoculated in them by the Scottish deductiveness of James I. and Charles I., who excelled in the art of raising questions of principle at the very moments when they would have been best advised to imitate their Tudor predecessors in appealing to expediency.

<sup>1</sup> I have not gone as thoroughly into American history as I should otherwise have done, since this has been admirably covered in Mr. S. H. Cobb's work, *The Rise of Religious Liberty in America* (The Macmillan Company, 1902). Up to the sixteenth century Western Europe is much more of a coherent whole. After that period each nation would require separate treatment, and this treatment in itself would require volumes.

The Elizabethan method<sup>1</sup> of compelling all to unite in some form of ritual without disputing on matters of belief might have achieved all the unanimity which, as Bacon reminds us, it promoted among the heathen, and, as Renan remarks, among the Jews. The more sceptical Englishmen of that hard-headed age were ready enough to acquiesce in it. There was a decided tendency towards a sceptical tolerance. Hooker, in his admission that all religions contained an element of truth, and that no religion, even that of the Druids or the Romans, could consist exclusively of untruths,<sup>2</sup> as well as in the scope he gives to reason in religion, goes much further than Pecoek in the previous century had ventured to go; and besides, Hooker was unmolested. Bacon, in his essay on *Religious Unity*, deprecates the dissolving and defacing of "the lawes of charity and of humane society." There are, indeed, the spiritual and temporal swords, but men should not take up the third, "which is Mahomet's sword or like unto it: that is, to propagate religion by Warrs or by sanguinary persecutions to force Conscience; except it be in cases of overt scandall, blasphemye, or intermixture of practice against the State." Even in 1637, in Laud's period of power, Chillingworth's *Religion of Protestants* appeared, and that work, of

<sup>1</sup> A lady once told me she insisted on a freethinking servant going to church, because if servants did not go to church they neglected the weekly change of clothes and linen. That is very much the Elizabethan point of view.

<sup>2</sup> *Ecclesiastical Polity*, Bk. v., section i.

course, carried the right of private judgment much further than Hooker; for Chillingworth discards the authority of ecclesiastical Councils and argues that questions of faith must be finally decided by the tribunal of the individual reason.

The temporary eclipse of toleration that followed was, I believe, due to society being in a "climate of opinion" where new or selected dogmas had become principles of thought—e.g., "No bishop, no king." Any attack on kingship involved the ecclesiastical supremacy of the king and the episcopal hierarchy; the converse was also true. Hence sprang the alliance of Laud and Strafford.

Mr. Gardiner has written that Puritanism is a "backwater in English history." This sounds at first a hard saying, and would require much illustration to be entirely convincing. But it expresses very concisely the religious side of the question. Englishmen, up to this time, had never shown much inclination for theological disputation, nor were their ideas otherworldly. Under the Stuart, and perceptibly even under the Elizabethan, *régime* the atmosphere was entirely transformed, and became charged with a *delirium Hebraicum* of most explosive potency.

It was this sudden ferment, made more violent by its connection with the practical every-day reality of political grievances, which caused the great civil convulsions of this century, and which, after rejecting the toleration of ecclesiastical compromise, achieved, in spite of many vicissitudes, the experimental separation of Church and State under Cromwell, and finally the settlement of 1689.

Again, it is to be noticed that toleration was offered by the more sceptical minds to the zealots of the generation, who, in turn, were forced to adopt toleration by a compliance with political necessities which ultimately led them, in spite of their zeal,

to the same conclusion. The Baptists and Quakers had long cried in the wilderness for toleration, but they abjured all connection with politics.<sup>1</sup> The political process was already seen at work in some of the American colonies, notably in the Catholic colony of Maryland.<sup>2</sup> From the Baptist and Quaker colony of Rhode Island came one of the greatest and most remarkable pleas for toleration, by Roger Williams, the founder of Rhode Island, entitled *The Bloody Tenent of Persecution for Cause of Conscience Discussed in a Conference between Truth and Peace*, and published in 1644. The book is full of apparently incompatible ideas. For example, the magistrate and the priest are related as the magistrate and the doctor; the doctor civilly obeys the magistrate, and medically prescribes for him.<sup>3</sup> Yet, as if the author were sketching out a theocracy of the Massachusetts type, he adds that the magistrate ought to punish secret sins and take cognisance of the complaints of servants as to their masters swearing, etc.<sup>4</sup>

The Church is as voluntary and independent an association as a "College of Physicians" or of "Turkie merchants," but Elijah's action in inciting Ahab to kill the priests of Baal was right because that occurred in the "Spiritual State or Church of Christ in all the world."<sup>5</sup> In his sixty-eighth chapter, however, he insists

<sup>1</sup> Where the Quakers became predominant, as in the colony of New Jersey, they never persecuted. The same is true of the Baptists. Yet the Quakers and the Baptists were more universally persecuted than any other sects.

<sup>2</sup> The history of this colony is most instructive. It was founded for Catholics under Royal Charter, but chiefly resorted to by Puritans, who destroyed all schemes of toleration. We find Cromwell siding with the Catholics against the Puritans, and James II. siding with the Puritans against the Catholics.

<sup>3</sup> Chapter cxxvi.

<sup>4</sup> Chapter liii.

<sup>5</sup> Chapters vi. and xxvii.

that "the Christian Church doth no more persecute.....than a chaste and modest virgin fight like whores and harlots." Again, shall the State allow the blind to lead the blind into the ditch? Yes, because the ditch only exists in Christ's spiritual judicature; and, all men being naturally dead in sin, only those thereunto ordained obtain everlasting life.<sup>1</sup>

These waverings are instructive, for they show how unexplored the chief principles of toleration were, and how hard for the theocratic mind to grasp; though, as it was, the book provoked the most ferocious attacks on both sides of the Atlantic. Yet, in this very year, Milton's *Areopagitica* was given to the world, the noblest plea for intellectual freedom ever penned; though the hothouse morality which Milton denounced has been praised even in our own time by lawyers like Sir James Stephen and obscurantists like Manning.<sup>2</sup>

Milton protested particularly against the persecution of opinions. He would not, however, acquiesce in toleration of Popery, which he ingeniously proves to be the only Christian heresy; Papists were, in any case, enemies of the State, and also enemies of God because of their idolatry.

Milton's early defence of toleration on such comprehensive grounds shows his real greatness of character and elevation of mind. For it was written when the civil war seemed to be turning out well for the king, and when the Independent party had not, to any extent, emerged. The Puritan party of rebellion against the existing order had risen almost in the cause of

intolerance. The great stumbling-block to the Puritans under James I. had been his endeavour to obtain toleration for Catholics, connected as it was with his Spanish diplomacy and the abandonment of his Protestant son-in-law in Germany.<sup>1</sup> His very first Parliament in 1604, the year before the Gunpowder Plot, urged him to persecute Catholics. Laud's methods may have been largely inspired with the idea of upholding ecclesiastical authority as the bulwark of political despotism, but they were also retaliatory and keenly provoked by Puritan aggression. Nor would they have ceased to exist but for the Scottish Presbyterians, who began the war against Charles in 1638, and came in 1644 to the aid of the Parliamentarians, whose forces would otherwise in all probability have had to yield owing to the amateur nature of their tactics and the lack of efficient troops. The Presbyterians always consistently opposed toleration, and their defeat by the Independent party alone made toleration possible. This appears clearly in the work of the Westminster Assembly of Divines, which, after sitting constantly since 1643, had established Presbyterianism in 1647.

In spite of many fine words on freedom of conscience the Assembly gave the magistrate authority to preserve the peace and unity of the Church, and even to proceed against published opinions.

In the same year, however, the more sceptical school of Anglican thought revived with the publication of Jeremy Taylor's *Liberty of Prophecy*. Taylor maintained that the Apostles' Creed is the only necessary test of faith; that reason itself, or reason as embodied in proper authority, is the ultimate court of appeal;<sup>2</sup> and that God is the only arbiter

<sup>1</sup> His best argument is to show that any sort of persecution justifies (in principle) propagating opinions by the sword. Yet the colonists do not suppress the ritual of the Indians (chapter lxx.).

<sup>2</sup> Sir James Stephen was probably right. No one but a lawyer can properly realise the folly of the average man and his inability to look after himself.

<sup>1</sup> Roger Williams appeals in his book to James I.'s words on toleration (chapter lxii.).

<sup>2</sup> Chapter x.

between sects.<sup>1</sup> But he reserves persecution for blasphemers, for disturbers of public order and for men who can be "dispensed" from civil obligations, like Papists. Taylor's attitude was rather different in the next reign. The book is interesting, because, for the time being, it does not regard error as a wilful crime and entirely surrenders the Laudian theory of Church and State.

The Cromwellian toleration, marred as it was by wanton instances of unnecessary persecution, was largely due to the political exigencies of the Protectorate; but it was also theoretically justified by the conception of the congregation as the ecclesiastical unit. Of course it excluded enemies of the State like Episcopalians and Papists; but it was based on an entire separation of Church and State. The genuineness of the commonwealth in which Cromwell was Protector and Milton Secretary is shown in the powerful intercession for the Vaudois and in the restoration of citizenship (though not in the Aristotelian sense<sup>2</sup>) to the Jews.

Harrington's *Oceana*, published in 1656, best expounds the ideas of this time on toleration. His most pregnant sentence runs: "Where civil liberty is entire, it includes liberty of conscience," and this he wished to have protected by the magistrate. Yet the State is to profess a religion and employ Scriptural experts to construct it, since individuals have not sufficient leisure. There is to be a Council of Religion, as there are Councils of Trade and War, to which religious officers are to be elected by the people.

His anxiety to give the State much of that authority over public opinion which had belonged to the Church springs from his anti-sacerdotalism. He quotes the excellent control of

Holland and Venice over their clergy, and remarks: "My Lord, if you know not how to rule the clergy, you will most certainly be like a man that cannot rule his own wife; have neither quiet at home nor honour abroad." The truth of this sentiment was admirably illustrated by the history of England from 1660 to 1688, when the Church of England became again predominant. The Restoration itself, so far as it was concerned with the grouping of religious parties, was brought about in spite of the tolerant Baptists and Independents, and was chiefly due to the passive approval of the Presbyterians and to the active demands of the Episcopalian clergy.

Hence resulted another Erastian alliance of Church and State, though in practice the Church retained great power; the devout Taylor and the freethinking Hobbes united to exalt the royal prerogative against religious liberty; Taylor tells us in his *Ductor Dubitantium* that the king's jurisdiction covers "internal and spiritual things"; and Hobbes writes in his *Leviathan*: "It followeth also that there is on earth no such universal Church as all Christians are bound to obey; because there is no power on earth to which all other Commonwealths are subject." From which position he advances: "But, seeing a Commonwealth is but one person, it ought also to exhibit to God but one worship; which then it doth, when it commandeth it to be exhibited by private men publicly."<sup>1</sup> This is Harrington's doctrine grafted on to Laud's. This same legal theory appears also in George Mackenzie's *Religio Stoici*, published in 1663, and in Parker's *Discourse of Ecclesiastical Politie*, published seven years later.<sup>2</sup>

<sup>1</sup> Chapter xxxi. *ad fin.*

<sup>2</sup> It is interesting to note the appearance of similar ideas in Spinoza's contemporary treatises, the *Tractatus Theologico-Politicus* and the *Tractatus Politicus*. I deal with Spinoza's opinions in a later chapter.

<sup>1</sup> Chapter xvi.

<sup>2</sup> *I.e.*, of giving them a share in the government.



The latter work is extremely interesting, because it is perhaps the best exposition of contemporary clerical ideas and the ablest refutation of the contemporary pleas for toleration.

Parker first shows that the regulation of the individual conscience by the State is necessary to public order, and that the magistrate's power of interfering with morality implies a power to control religion. Next, he ingeniously deals with the argument that Christ never exerted secular force. He quaintly explains that this was because the apostles and other overseers of the early Church enjoyed miraculous power; but when this privilege was withdrawn the bishops had to employ and wield civil authority.

He insists that the co-existence of sects, each prepared to persecute the other, is a menace to the peace, happily adding, "for there is nothing so malapert as a Splenetick Religion." Yet he does not recommend persecution of opinions as such. He adopts Harrington's scheme with a difference. Harrington argued that the choice of a national religion should lie with the people; Parker declares that the "prince" alone can select the proper creed. After attacking Hobbes, he proceeds to denounce the idea of respecting scrupulous consciences. It "impregnable arms" every man, "with a mind to disobey," against the laws, which must be of an "unyielding and inflexible temper." "Is it fit," he writes, "that the laws of the Commonwealth should ask leave of every ignorant and well-meaning man, whether they be laws or no? ..... A weak conscience is the product of a weak understanding." This argument, after all, is on all fours with that of the counsel for the Crown in the prosecution that resulted from Mr. Harold Frederic's death. "No religious belief is any answer to a breach of the law." But Parker's analogy of the State and subject as

father and child would not be accepted by any contemporary Englishman, except perhaps as an analogy to justify the treatment of the poor. It is the whole basis of Parker's argument against toleration.<sup>1</sup>

Such being the clerical views of the time—views which the Crown was hardly likely to frown upon—it is not surprising that the Savoy conference between the Bishops and Presbyterians should have been foredoomed to failure, and that legislation showed an uncompromising bias against Dissent. The Corporation Act of 1661 forced all holders of municipal offices to take the Anglican sacrament. The Act of Uniformity in 1662 purged the Church of all honest Presbyterian ministers. The Conventicle Act of 1664 forbade all religious assemblies other than those allowed by the Church of England. In the following year it was supplemented by the Five-Mile Act, forbidding clerical non-jurors to teach in schools or settle within five miles of any corporate town. These measures were finally crowned by the Test Act of 1672, which extended the operation of the Corporation Act to all officers of the Crown.

Yet, as this reign has been called one of good laws and bad government, so in its religious aspect it was one of bad laws and good practice. On the one hand, the Dissenters consistently upheld the constitutional ideal; and, on the other hand, the increasing enlightenment of the intellectual class, as represented by the Royal Society, was producing a tendency to respect the rights of human reason. Both were to bear excellent

<sup>1</sup> Thus Parker: "For a man to plead weakness of conscience for disobedience to government is as if a child in minority should reject the advice of his guardians." Cf. Sir James Stephen, who writes to justify State regulation of opinion: "What is all education except a strenuous and systematic effort to give the whole character a certain turn and bias, which appears on the whole desirable to the person who gives it?"

fruit, the one in the religious settlement of the Revolution, the other in paving the way for the writings and influence of Locke in the next century.

Charles's Declaration of Indulgence in 1672 was justly regarded with the same suspicion as his grandfather's schemes. He was plainly truckling to France, as James had truckled to Spain. The reader of the Declaration might observe that the position of the Dissenters' chapels was "to be hereafter determined," and that the army was to be increased and quartered near London. Moreover, this policy implied the right of royal dispensation. Dissenters would only accept toleration from Parliament, and the simultaneous manifestations of the royal will in Scotland against the Covenanters was not encouraging.

The situation repeated itself in the next reign. The Declaration of James was rejected by the Scottish Parliament, by the "Seven Bishops" and by the Dissenters. The incident illustrates the English indifference to theology as compared with legality. The latitudinarian Halifax addressed an admirable pamphlet to the Dissenters, which might have borne the motto:

*Timeo Danaos et dona ferentes.*

The history of the Catholic Church plainly discredited any specious offers it might make of toleration, and even the University of Oxford soon recovered from its hysterical loyalty when the king began appointing Catholic fellows.

Mr. Lecky called our Revolution an "aristocratic movement." It was undoubtedly inspired by the political action of the Whig Lords. But they would hardly have dared to act but for the middle-class agitation on the religious question.

The alienation of the Church from the Crown prevented its helping the cause of persecution till Queen Anne's reign. William III. was not by temperament a persecutor nor was the nation in a mood for persecution. The public-spirited co-operation of the

Dissenters with the nation had justly won the national esteem. The result of the political change was the Toleration Act of 1689 and the abolition of the episcopal system in Scotland. From a contemporary point of view it was doubtless thorough. But though it made non-attendance at church no longer criminal,<sup>1</sup> it enforced on all an oath of allegiance and repudiation of Popery.<sup>2</sup>

The Test and Corporation Acts were not repealed during the whole of the century, though Acts of Indemnity after 1727 were passed to relieve Protestant Dissenters.<sup>3</sup>

How far freedom of discussion was theoretically allowed may be inferred from the following clause of an Act against "blasphemy and profaneness" passed in 1698:<sup>4</sup> "If any person having been educated in or at any time made profession of the Christian religion.....shall by writing, printing, teaching or advised speaking deny any one of the persons in the Holy Trinity to be God, or shall assert or maintain that there are more gods

<sup>1</sup> The last instance of anyone being fined for non-attendance at church occurred, I believe, in 1866.

<sup>2</sup> The admirable and detailed account of the scandalous persecution of Irish Catholics given by Mr. Lecky makes it unnecessary for me to recapitulate the facts of it. It practically amounted to a deliberate policy of confiscation directed against three-quarters of the population for the benefit of one quarter. A Bill was seriously proposed by which any priest celebrating mass should be castrated—a measure which was actually made law in contemporary Sweden. But as Irish history is, for the most part, one long record of civil war under a nominal peace, such a system of government, or rather of anarchy, is hardly normal enough to justify its being cited in a history of the growth of toleration in civilised Europe. Professor Ritchie's doctrine that the "all-important right of minorities is to turn themselves into majorities if they can" does not apply to conditions like these.

<sup>3</sup> *Vide* Hallam's *Constitutional History*, vol. iii., chapter xvi.

<sup>4</sup> Repealed 1813 in regard to persons denying the Trinity.

than one, or shall deny the Christian religion to be true or the Holy Scriptures of the Old and New Testament to be of divine authority....." he should be subject to severe penalties.<sup>1</sup> This supplemented an Act of 1677 abolishing capital punishment for heresy,<sup>2</sup> but reserving ecclesiastical jurisdiction for cases of atheism, blasphemy, heresy and schism, *pro salute animarum*.

We have the opinion of the judge, Matthew Hales, in the same reign, that, since Christianity was "parcel of the laws of England," "to reproach Christianity is to speak in subversion of the law." The kernel of what was felt to be necessary in the matter comes out in the remark of the same judge: "To say that religion is a cheat is to dissolve all those obligations whereby civil societies are preserved." This remained an *idée fixe* in all Europe till the French Revolution. And even in 1861 the Lord Chief Justice of England said in reference to one of Bradlaugh's civil actions: "There are opinions which are in law a crime."

Locke himself, who starts from the implicit premiss that ecclesiastical differences are not only unimportant but also doubtful, and who, regarding the Church as a "voluntary society of men," justified a complete separation of Church and State, takes up a decided line here. In his *Letters on Toleration*, the first of which was published in 1689, he writes: "The care of souls cannot belong to the

magistrate, because his power consists only in outward force; but true and saving religion consists in the inward persuasion without which nothing can be acceptable to God."<sup>1</sup> Yet, "no opinions contrary to human society, or to those moral rules which are necessary to the preservation of human society, are to be tolerated by the magistrate." Hence Papists and Atheists cannot be tolerated, for Papists can be dispensed from oaths by the Pope, and for an Atheist the spiritual penalties attending the violation of an oath cannot supplement the terrors of temporal punishment.

Even across the Atlantic, in William Penn's new State of Pennsylvania, founded in 1682, Christianity was necessary for office or citizenship. Yet there toleration was much further advanced owing to the strenuous efforts of the great Quaker friend of James II., with whose unique career I will now deal.

William Penn opened that career by being fined at Christ Church, Oxford, for not attending chapel. In 1667 he was imprisoned after attending a Quakers' meeting in Cork, and from prison he wrote his first demand for entire liberty of conscience to Lord Orrery. His claim was based on the Quaker doctrine of "inward light."

This doctrine is remarkable for being one of the very few religious ideas which make for real liberty, nor is it incompatible with that uniformity of ritual which binds men of one creed together. It is almost a platitude to remark that it is nearly always the great truth preached by religious leaders; but religions grow not only into a groove of ritual, but also become bound up with philosophic or pseudo-philosophic explanations of the universe.

<sup>1</sup> Viz., on conviction of first offence be made incapable of holding any office, or imprisoned; on the second conviction to be incapable of suing in law courts or making a deed of gift, and to suffer three years' imprisonment. It was feared that these "detestable crimes" might "prove destructive to the peace and welfare of the kingdom."—*Vide* the preamble in the Statute-book. I believe that no person was ever prosecuted under this statute.

<sup>2</sup> It repealed the fifteenth-century statute 'de Heretico Comburendo.'

<sup>1</sup> The last sentence is probably an echo from Grotius, *De Veritate Religionis Christianae*, lib. vi., 97.

There is much vain talk of ecclesiastical continuity, but the Nazarene carpenter would hardly have understood the ideas of any Christian sect after the fourth century but the Quakers. They have made religion a strictly individual matter; they have, at all times, stood out for peace and they have never tainted religious ideals with political subterfuges. Even when politically supreme they have never violated spiritual freedom. And yet we are asked to believe that the medieval inquisitor and the ritualistic priest are, in some mysterious way, more closely connected with the Christian tradition than Dissenters like George Fox or William Penn.

In 1676 Penn had a chance of realising his ideal in drawing up the Constitution of New Jersey, in which he wrote the uncompromising sentence: "No men nor number of men on earth have power or authority to rule over men's consciences in religious matters." Two years later he showed his absolute sincerity by two pamphlets addressed to the people, exhorting them not to yield to the panic of the Popish Plot. In 1682 he succeeded in establishing entire toleration in the new transatlantic State,<sup>1</sup> and thus drew many thousands of immigrants—Dutch, Swedish and English—into it.

At home, however, the clergy revived a little under the stolidly clerical Queen Anne. Under their auspices was passed, in 1711, the "Occasional Conformity" Act to fine officers or magistrates who should have taken the sacrament according to the Test Act, for subsequently attending their own places of worship. It was thought right to prevent the Anglican sacrament from becoming, in Cowper's phrase, "an office key, a

picklock to a place." Yet no one showed that such action violated the Dissenter's conscience; and the sacrament was gratuitously dragged into the question by the Church party. Three years later no person was allowed to keep a private or public school unless a member of the Church of England. Happily this was repealed in 1719.

Generally speaking, the Whig supremacy in the first two Hanoverian reigns bettered, less by legislation than by a policy of neutral administration, the position of Dissent, which was strongly represented in the Whig party. The Dissenters were shrewdly defended by the masterly inactivity of Walpole, who introduced the Indemnity system in 1727. The intellectual progress which began under the Restoration was continued in the work of the Deistic writers—work admirable and enduring, though it has ceased to illuminate our own century.<sup>1</sup>

In the Bangorian controversy of 1717, which the late Sir Leslie Stephen summarised with his usual brilliance in his *History of English Thought in the Eighteenth Century*, the reader is interested to observe the harmony of the clerical with the popular attitude; both parties viewed religion and the establishment from a purely utilitarian aspect. Bishop Warburton's argument that the State must uphold the belief in future rewards and punishments so as to bribe men into individual morality, as State rewards and punishments bribed men into civic morality, is highly characteristic of the age.

<sup>1</sup> Mr. J. M. Robertson, in his *Dynamics of Religion*, p. 176, adduces several cases of legal proceedings against the assailants of revealed religion. In 1720 Woolaston was imprisoned till he died, thirteen years afterwards. In 1756 Ilive was sentenced to the pillory and hard labour for three years. In 1763 an insane old man was sentenced to the pillory and one year's hard labour.

<sup>1</sup> The only other free States (*i.e.*, without an establishment) were Rhode Island and Delaware.

The eighteenth century was pre-eminently an era of common sense, and certainly very free from cant for the simple reason that men knew very well when they were indulging in insincerity of speech and when they were not. Religious ideas formed part of the conventional ceremonies which were indispensable to social existence, and consequently commanded the support of polite and right-thinking men and women.<sup>1</sup> In the precise words of Lord Chesterfield, religion was considered a "collateral security for virtue."

The legal and utilitarian view of religion prevailed everywhere throughout the eighteenth century and has been admirably defined in Gibbon's famous sentence on the religions tolerated by ancient Rome. The religion of the eighteenth century was certainly thought by the philosophers of the period to be as false as it was considered useful by the magistrates.

I now return to the progress of contemporary thought in detail. In 1719 one Theophilus Dorington translated Puffendorf's treatise, *De Habitu Religionis Christianae ad vitam Civilem*, originally published in 1687. It is, like Locke's work, based on the idea of separating Church and State, but maintains that honesty in human relations depends on piety towards God, with whose sanction of oaths the magistrate cannot afford to dispense.

In a very interesting chapter of his *History of England in the Eighteenth Century*, Mr. Lecky has shown how little the great thinkers of contem-

porary France favoured toleration.<sup>2</sup> Montesquieu, Voltaire, Rousseau and Mably all agreed: (1) That, though established religions might be tolerated, religious innovations were to be prohibited; (2) that the State should promote useful beliefs of a Christian and Theistic nature, and suppress, on the one hand, pernicious superstitions such as Ultramontanism, and, on the other, anti-social opinions such as Atheism. Mably thought that Atheists should be imprisoned for life, and Rousseau that they should be banished. But Lessing in Germany was doing good work, and his parable of the ring in *Nathan der Weise* almost belongs to the tolerance of our own time.<sup>3</sup>

The theory of the social contract, adopted by Locke, figured even at the end of the century in a treatise published in 1790 and written by one Fownes.<sup>3</sup> His chief argument is that the individual never surrendered the rights of the individual conscience when he entered into the contract. He points out, as even St. Thomas Aquinas did, that nonconformity to the established religion cannot be in itself an offence to the State and that Nonconformists are only persecuted because they are regarded as enemies of the State.

In the world of action the question of toleration slumbered till 1767, when it was raised by the London Sheriffs nominating rich Dissenters to municipal office (for which they were disqualified by the Corporation Act) and fining them by their own bye-law for

<sup>1</sup> Chapter xvii., *ad fin.*

<sup>2</sup> There is an almost Agnostic flavour in these lines of Nathan's speech:—

"O so seid ihr alle drei  
Betrogene Betruger! Eure Ringe  
Sind alle drei nicht echt!  
Der Echte Ring  
Vermuthlich ging verloren," etc.

—Act iii., Sc. 7.

<sup>3</sup> The treatise is entitled *Principles of Toleration*. Fownes was a Congregational minister (1715-89).

<sup>\*</sup> This attitude of mind could be illustrated by numberless citations from eighteenth-century literature, especially from Fielding's clerical characters. I choose only the title of a book published by one John Bold in London in 1739: "Religion, the most delightful employment; or a treatise evidently proving that there is more pleasure and less trouble in a holy and religious than in a vicious course of life."

refusing office. It elicited the fine speech of Lord Mansfield, who held that, though the "eternal principles of natural and revealed religion" were "part of the common law," yet neither justified the infliction of punishment for mere opinions concerning worship. The case once more stirred up legislators to try to alter the *status quo*.

In 1772 and 1773 the Commons passed a Bill to relieve Dissenting ministers from subscription to the Articles. Rejected by the Lords, it finally passed in 1779. In 1778 Sir George Saville carried his Bill repealing the perpetual imprisonment of Catholic priests for saying mass and restoring certain legal rights to the Catholic laity. The anti-Catholic feeling revived in the Gordon riots of 1780, which showed indeed the state of what would now be styled public opinion—*i.e.*, the opinion of the lower middle class. The Irish Parliament, however, contrived, in 1793, to give the franchise to the Catholics, who were about four-fifths of the total population, and in the same year Catholic majors and colonels were, by an interesting coincidence, tolerated in the British army. Other Dissenters were less fortunate owing to the panic of the French Revolution, owing to which Burke and Fox became the protagonists of persecution and toleration respectively.

Yet in 1787, two years before the Revolution broke out, Beaufoy's motion for the repeal of the Test and Corporation Acts was thrown out by members who doubtless shared Lord North's view that the Test Act was the "bulwark of the Constitution." In 1789 both Beaufoy's second and Fox's first attempt failed, and the question slumbered again for forty

years and inaugurated an era of hide-bound Toryism, the remains of which lingered in Europe till the middle of the nineteenth century. The fact that France was at once the theatre of the explosion and had long been the centre of Freethought, greatly strengthened the influence of the reactionary party, who demonstrated that religious liberty was even more fatal than political liberty to public security and individual morality.<sup>1</sup> It is therefore not surprising that Catholic Emancipation only preceded the Reform Bill by three years.

On the other hand, the ideas of the Revolution stimulated men like Dr. Priestley, the leader of the Unitarian party, who sympathised with French democracy and denounced the whole theory of establishment. His famous letter to Pitt in 1790 is chiefly occupied with the attack on any alliance between Church and State, which leads him to recommend abolishing compulsory subscription to the Articles at the universities and to dwell upon the absurdity of the Irish Established Church. His ideas were not to be realised till the latter half of the nineteenth century.

The Unitarian claims led to explosive utterances on Burke's part, especially on the subject of Atheists, whom he declared to be "infidels or outlaws of the constitution, not of this country, but of the human race."<sup>2</sup> He would only tolerate men who disbelieved in a revelation if they held their tongues. On the question of Establishment he thought that "Religion ought to be the principal care of a Christian magistrate, because it is one of the great bonds of human society, and its object the supreme good, the ultimate end and

<sup>1</sup> Expressions of this insolent piety are still to be found in English newspapers, generally *à propos* of France.

<sup>2</sup> Burke's *Works*, x., 36-40.

Just at this time, moreover, the outbreak of the French Revolution threw back the progress of Liberal ideas in north and east Europe for

object of man himself."<sup>1</sup> And, granting the truth of Burke's conception of the religion of the State, he was perfectly just and logical.

"Public opinion" again manifested itself in the destruction of Dr. Priestley's house at Birmingham in 1791, and the magistrates, being well enough agreed with Burke as to their proper functions, abstained from interfering with the populace. There were, however, reactionaries inferior to Burke who had to be taken account of. In bringing about the Union with Ireland in 1800 Pitt was virtually pledged to Catholic Emancipation. But the conscientious scruples of George III. compelled him to resign and to promise not to raise the question again in the king's lifetime. Considering the state of the king's health and mind, Pitt has been perhaps too harshly censured for his compliance. Pitt was not inclined to interest himself in any theory of toleration apart from the possible efficacy of tolerant measures in keeping the Commons in a favourable humour. He clearly saw that the forces of reaction were, and probably would be for some time, supreme, and his death in 1806 hardly affected the issue one way or the other.

It is scarcely necessary to indicate further the purely legal and political attitude of the statesmen and thinkers of the eighteenth century towards religious freedom. They were content

to acquiesce in a *régime* which both implied and encouraged a brutish ignorance and apathy in the attitude of a very large section of the population to public questions. The "lower orders" were to be kept in severe quarantine from ideas at all out of harmony with the existing order of things. The deity of the State religion was to supplement police penalties with a code of eternal punishment. Yet, paradoxically enough, such a system necessitated not only ignorance, but also a certain amount of religious indifference, in the masses; for religion, if it is to be at all potent, must be ventilated by intellectual and emotional interest. Otherwise, to adapt Mill's phrase, its ministers stand sentinels over a dead creed.

Three new developments—religious, social and intellectual—foreshadowed the transformation-scenes of the coming century. I refer to the widespread upgrowth of the Wesleyan movement and to the changes wrought by the industrial revolution and the French ideas of popular sovereignty, which by their predominance in 1832 brought much political force and light to the classes in which dissent especially prevailed. Religion was to be something more than a supernatural *raison d'être* for squire and parson, the operative was to be more than a brute machine, and the government of the country was no longer (in theory) to consist of an elaborate bargaining in votes between members of the upper class.

<sup>1</sup> His speech against the Unitarian petition of 1792.

## CHAPTER V.

## ENGLAND AND THE COLONIES IN THE NINETEENTH CENTURY

ENGLISH statesmen in the new century had two remarkable facts to face — namely, the nationalisation of religion in France and the religious neutrality of the new Commonwealth across the Atlantic. These two ecclesiastical settlements preluded the two essential changes of the century: the subordination of the Church to the State in Continental Europe and the separation of Church and State in the British Empire, which seems ultimately probable in Great Britain also.

Napoleon, in his Concordat of 1802, was only following in the steps of Frederic the Great in Prussia and Joseph II. in Austria. He saw clearly that in his own time the religion of the majority had to be recognised by the State, but the principle of nationality demanded a political supremacy over the Church and a guarantee of citizenship against ecclesiastical demands.<sup>1</sup> His utterances on the subject are instructive. The people are to be given religion to keep them quiet, but the priesthood are to be excluded from anything in the nature of civil jurisdiction. In

1814 he said much in this strain to Lord Ebrington at Elba.<sup>2</sup> He had a great admiration for Henry VIII. "Vous lui devez toujours des obligations infinies de ce qu'il a fait." As to his army, he said: "Je ne souffrirai pas des prêtres là, car je n'aime pas le soldat dévôt."

Since then his principles have been acted upon by Germany, Italy, Austria, Hungary, Holland, Belgium, Switzerland, and Turkey on the basis of ordinary toleration, and in Russia on an Erastian or Byzantine basis. But in Russia there is still but little liberty of public worship, and a heretic is liable to serious civil disabilities. Even in 1849 reactionary Austria asserted the supreme control of the State over education.<sup>2</sup> So much for Continental Europe. In the English-speaking world the alternative idea of complete separation of Church and State made its appearance. The political exigencies of the revolt against England of the American colonies necessitated a federal separation of Church and State. By the Federation Act of 1783 all public offices were to be held independently of any religious creed, and in the following year Congress was prevented from interfering in religious affairs. This was confirmed in the Constitution of 1787, and most of the States which had established Churches followed suit in measures of disestablishment.

The principle, however, has not yet

<sup>1</sup> This was first initiated in the French Revolution in respect of marriage—*vide* Article 7, Title vi., of the "Constitution of the Third of September, 1791": "Le roi ne considère le mariage que comme un contrat civil. Le pouvoir législatif établit pour tous les habitants.....la mode par laquelle les naissances, mariages et décès seront constatés, et il désignera les officiers publics qui en recevront les actes." The Concordat was the resultant of (1) the first movement of the Revolution towards universal toleration; (2) the subsequent attempt to suppress Christianity altogether. Since the first edition of this book disestablishment has become an accomplished fact in France.

<sup>2</sup> *Macmillan's Magazine*, September, 1894.

<sup>2</sup> Mr. Innes's *Handbook on Church and State*, p. 257.



been followed to its logical outcome. Six southern States still exclude from office anyone who denies the existence of a Supreme Being. Maryland and Arkansas make such a person incompetent as a juror or witness. Yet the American separation of Church and State cannot be said to have in any way promoted religious scepticism in the ordinary sense of the word,<sup>1</sup> though it indirectly arose from a scepticism as to religious uniformity.

It was impossible for Great Britain to be unaffected by these two great tendencies. The conflict for toleration in this country in the nineteenth century has had two main aspects. It has first succeeded in lopping away all those civil disabilities inflicted on Nonconformists of every shade of opinion which are logically necessitated by the theory of establishment; and later, in admitting to citizenship in the Aristotelian sense those who openly disavow theism, or the belief in a personal God and in future rewards and punishments. It will be more convenient to take these two branches of the subject separately.

I. In the first twenty-nine years of the century Catholic emancipation had to be faced by every Ministry. Round it centred the whole defence and attack of establishment, and the success of the cause was obviously

certain to introduce a more than thin end of the wedge. It was urged that it would be illogical, after emancipating Catholics, to make the Dissenters pay for the State Church; and the old political considerations of the Pope's foreign jurisdiction, etc., were brought up. Yet in another direction things moved a little. In 1812 dissenting ministers gained further relief, and Unitarians were included among them. Their position was further confirmed by the judicial decision of Coleridge in 1842, to which I shall more fully refer in the second part of the chapter.

Catholic emancipation was, like the Reform Bill, carried under pressure of revolution, embodied in the Irish Catholic Association.<sup>2</sup> Such pressure was needed to overpower the Commons, then constitutionally impervious to the mass of public opinion, and to smother the conscientious scruples of George IV. The Tory Wellington and the statesmanlike Peel carried the Bill through, and the state of political opinion was well illustrated in the entire disruption of the Tory party, who revolted against the timely wisdom of their leaders.

The end of the wedge had indeed been introduced. The idea of the Church as a voluntary association was realised in the ecclesiastical changes in Scotland, which resulted in the Free Church of 1843 and the United Presbyterian Church of 1847.<sup>2</sup> In England an interesting change of opinion took place, which produced curious cross-divisions. On the one

<sup>1</sup> A well-educated American lady once asked me how it was that Huxley, an infidel, was not banned from London society. I cannot forbear quoting from certain remarks sent me by Professor Ritchie *à propos* of this passage, which express my own opinions in a much more brilliant fashion than I can express them: "What often passes under the name of religious equality is a compound of the Nonconformist conscience, Sabbatarian legislation and the Greatest Common Measure of Presbyterians, Baptists, Methodists and very Low-Church Anglicans—leaving out Jews, Seventh-Day Baptists, and Catholics for many purposes, High Anglicans for some purposes, and Mahomedans, Mormons and Atheists for all purposes." This remark is somewhat applicable to recent Education Bills.

<sup>2</sup> But by the English law a bequest for masses for the testator's soul is still void as a superstitious use, and the seal of the confessional is not privileged in the law courts. A solicitor may plead professional obligation in the witness-box, but not a Catholic priest.

<sup>2</sup> The Free Church was set up in 1843 as a protest against the principle of secular control. The sects which together constituted the United Presbyterian Church had adopted the "voluntary" principle long before this period.

side were allied on behalf of establishment men like Gladstone, Coleridge and Arnold; and on the other side (implicitly or explicitly) was the incongruous association of men like Keble, Macaulay and Hallam.<sup>1</sup>

Keble would have linked Church and State closer, but Macaulay and Hallam were frankly anti-clerical and implicitly opposed to any real alliance of Church and State. The High Church party, however, as represented by Keble, opposed any system of establishment which, after the usage of Continental Europe, implied the subordination of Church to State.

Thus the opponents of the Established Church came from two absolutely hostile camps. Macaulay and Hallam represented the school of philosophic Radicalism which originated with Bentham, while Keble and his followers were saturated with the neo-Catholicism of the Oxford Movement. Whereas the latter school of thinkers wished to revive a mild theocracy in the State by enlarging the sphere of clerical influence, the former school wished the State to observe a strict neutrality in religious matters. That these men should have combined against the Established Church is interesting enough; but there is also a historical interest in the psychological process by which Mr. Gladstone reconciled, and eventually acted upon, the tenets of both schools after beginning his career by

a work in defence of the Establishment. His book on *Church and State* presented the Tory theory as uncompromisingly as the age could allow; Coleridge defended the Church as a national and not a Christian institution;<sup>2</sup> and Arnold combined an ecclesiastical Liberalism with an extra-ecclesiastical Toryism.

Macaulay's essay on Mr. Gladstone's book in 1840 sheds much light on the history of public opinion. He justly shows the illogicality of negative persecution, such as the infliction of civil disabilities. Though he obviously regarded religion from a purely political point of view, he dared not specifically and explicitly state his own attitude and recommend the religious neutrality of the State. He sets out from the *laissez-faire* conception of the State as intended primarily to perform merely police functions. A specialised co-operation, he argues, is essential to any success, and the activities of the State ought to be rigidly specialised. Like Marsiglio, he points out that neither individual morality nor theological competence to detect heresy lies within the cognisance or powers of the State. The sole end of government is the "protection of the persons and property of men." But if it can pursue other good ends without sacrificing its essential efficiency, it may do so. Thus, "the education of the people, conducted on those principles of morality which are common to all forms of Christianity, is highly valuable as a means of promoting the main object for which government exists, and it is on this ground well deserving of the attention of rulers." One of the principles laid down at the end of the essay is bold compared to

<sup>1</sup> As Sir Leslie Stephen has wittily expressed it, the Tory view of the problem was monogamous, and the Whig view was the subjection of the wife with liberty to take concubines. In his sermons Keble does not openly advocate Disestablishment; indeed he especially refuses to discuss the question, but he felt strongly that the Church should be universal, and held that, if the State were not properly submissive to the Church, the Church should assert its rights as predominant partner. It is interesting to note his idea that the society of persons suspected of unorthodoxy should be rigidly shunned (*vide his Academic and Occasional Sermons*, London, 1847, p. 151, and *passim*).

<sup>2</sup> To use Sir Leslie Stephen's phrase, Coleridge thought "that the Church should be an essential part of the State organism." We shall probably revert to this one day. A State without any Church is certainly abnormal.

the rest—namely, that the religion of the minority in a country is not to be enforced, nor necessarily that of the majority.

One might almost think that Mr. Gladstone had used Macaulay's essay as a handbook for his political career.<sup>1</sup> He did indeed quit Peel's Ministry in 1845 because the Maynooth Grant to a Catholic training college was at variance with the views of his book. But his impressionability soon made him move with the electorate, and severed him from the fetters of his University twenty years later.

In 1847 the election of Rothschild to Parliament raised the question of Jewish disabilities. Were the ancient enemies of Christianity to be allowed in the governing body of a Christian country? The controversy was settled by the Jewish Relief Act of 1858. As later in the Bradlaugh case, it was seen that such restrictions only put a premium on dishonesty. Considering this tardy toleration of the Jews, it is hard, perhaps, to be edified by Disraeli, although baptised a Christian, using the union of Church and State as a political catchword in the election of 1866.

In the meantime Mr. Gladstone emerged as the chief leader against the party of Church and State. In 1869 he carried the disestablishment of the Irish Church, in 1870 the Elementary Education Act, in spite of the prolonged obstruction of the

clergy, and in 1871 the University Tests Abolition Bill. Since then the Liberal party have declared for Welsh disestablishment and a more secular system of education. Sir William Harcourt, in his letters to the *Times* on Ritualistic dangers, wrote vehemently in favour of disestablishing the English Church, which measure was as vehemently threatened by his antagonist, Lord Halifax. Throughout the British Empire, with few exceptions, the separation of Church and State prevails, and, except in Great Britain, a system of secular education.<sup>2</sup> In British India, Australasia, Canada and Cape Colony the State has been since 1868 religiously neutral.<sup>3</sup> As to the possibility of this being a permanent settlement I shall have more to say in another chapter.

II. I now come to the second aspect of toleration in the nineteenth century, which chiefly centres round the "Blasphemy Laws" and the old legal maxim that "Christianity is part of the laws of England." I have dealt previously with its judicial interpretation by Hales in the seventeenth, by Mansfield in the eighteenth and by Erle in the nineteenth century. In 1797 it came into application with the imprisonment for one year of Williams, a bookseller, for selling some copies of Paine's *Age of Reason*. In 1812, after Paine's death, his publisher was sentenced to the pillory and eighteen months' imprisonment.

<sup>1</sup> Mr. Gladstone's views on heresy, given in the *Nineteenth Century* for August, 1894, are interesting. Protestant heresy is justified by its long duration as compared with other heresies. The only undenominational religion is that of heaven. The Church and State may separate in regard to theology, and the ultimate appeal lies to the private conscience of the individual. Such remarks recall George Eliot's famous criticism of Mr. Lecky: "Mr. Lecky belongs to that school of thinkers who maintain that the radii of a circle have a *tendency to be equal*, but it does not do to push the spirit of geometry too far" (*vide* her essay on Mr. Lecky's *Rationalism in Theophrastus Such*).

<sup>2</sup> The history of the educational movement in Australasia is very interesting, and is lucidly given in Mr. Walker's *Australasian Democracy*.

<sup>3</sup> Certain exceptions exist. In Canada the old Catholic endowments exist, and the Catholic Church may perhaps, for practical purposes, be said to be established there. Dilke's *Greater Britain* (1890), Part i., pp. 79 *seq.*, and Part ii., p. 389. In Barbados there is a system of "concurrent endowment" (Part ii., p. 425). In India the Church of England is established in respect of military chaplaincies (Part ii., p. 423).

Up to 1813 a man could be excommunicated by the Church, after which he was not only subject to civil disabilities—e.g., of bringing an action—but was also liable to imprisonment till he was reconciled to the Church. Yet, even after this date, Richard Carlile was imprisoned for nine years for writing or publishing Freethinking books; and in 1811 Shelley was turned out of University College, Oxford, for proclaiming his views on atheism, though the less democratic and more erudite sceptics were left untouched, from a motive akin to Voltaire's when he implored his atheistic friends not to propagate their opinions before his servants, since he did not want his throat cut.<sup>1</sup>

The best views of the time on the necessity for persecution of non-Christians were put forward by Dr. Arnold. In his Oxford *Lectures on History* he held that an ideal society will arise, in which disbelief in the Christian religion will so outrage the moral sense of the community that it may have to be put down by law. If Dr. Arnold's forecast of opinion was right, so also will be his forecast of legislation. On these grounds he opposed the relief of the Jews from their disabilities, because they did not share the Christian ethics of a Christian country, and "insisted on making Biblical knowledge a part of the examination for the B.A. degree in the new London University."<sup>2</sup>

Such ideas disappeared from the legal world with Coleridge's decision on the Hewley case in 1842. It concerned the validity of Lady Hewley's bequests affecting Unitarian endowments, and it was admitted that Unitarians denied the divinity of Christ, the Atonement, the Trinity and Original Sin. Coleridge gave his

opinion in these terms: "I apprehend that there is nothing unlawful at the Common Law in reverently denying doctrines parcel of Christianity, however fundamental";<sup>3</sup> and in 1846 Unitarians who did not choose to call themselves Christians were not, as before, liable to molestation.

Hence non-Christian theists were by this time tolerated, and, as always, sceptical writers who did not propagate their opinions among the classes below that possessing a few thousands a year. As Sydney Smith once wrote, poorer men were not allowed to hold any opinions on important subjects. This idea again emerged in the brutal sentence inflicted on a feeble-minded old workman in Cornwall called Pooley, who chalked some anti-scriptural remarks on a gate and was prosecuted by the local parson. Luckily, Buckle and Mill were able to quash the sentence by an appeal to public opinion, but prison treatment had, in the meantime, destroyed the old man's reason.<sup>4</sup>

Yet, in spite of a slight attempt to reform the Blasphemy Laws in 1841, the avowed unbeliever in theism was deprived of such civil rights as being a party to a contract, of acting as trustee or guardian and of giving evidence in a law court.<sup>5</sup> The last disability was clung to with the greatest tenacity, since it was the remnant of the old fiction that no reliance could be placed on the word of a man who did not believe in future rewards and punishments—as if perjury had not been frequent enough in medieval and modern courts! Had Hobbes been alive, he might have

<sup>1</sup> *The Law of Blasphemy* (Lindsay Aspland), London, 1884.

<sup>2</sup> In the early 'forties Mr. G. J. Holyoake was imprisoned for six months for Atheism—the only ground of accusation being a statement made by him at a public meeting that there were better uses for money than building churches.

<sup>3</sup> *Vide the Past and Present of the Heresy Laws* (Sunday Lectures).

<sup>1</sup> Compare Pitt's saying, "A three-guinea book could never do much harm among those who have not three shillings to spare."

<sup>2</sup> *Vide* Mr. Robertson's *Dynamics of Religion*, p. 220.

given a particular application to his general remark by pointing out that men feared the State penalties for forgery more than other-worldly terrors. Indeed, why otherwise should such penalties be thought necessary?

The career of the late Mr. Bradlaugh gave particular prominence to this question, which was, after years of hard fighting, reasonably settled.<sup>1</sup> Neither with Mr. Bradlaugh's private character nor with his neo-Malthusianism am I here concerned. I need only say that John Stuart Mill never suffered either for his unbelief or for his ideas on population so bitterly and consistently as Bradlaugh and Mrs. Annie Besant did. Bradlaugh may have been aggressive, but such an embittered youth would have made any man aggressive.<sup>2</sup> At any rate, it is certain that he, and even latterly his family, were relentlessly persecuted in public and in private, and that he did great service to the cause of common honesty. He was boycotted out of his mercantile business owing to his religious views; and the unreadiness of both the clergy and laity to be frank at the risk of their incomes always was, and is now, the chief impediment to the free discussion of theological problems.<sup>3</sup>

I shall deal first with his treatment in the law courts, and secondly with the episode of taking the oath in the House of Commons. In 1861 he was asked at Wigan, in a case where he

was defendant, if he "believed in the religious obligations of an oath." He refused to answer, on the perfectly legal ground that his reply might expose him to a criminal prosecution (as indeed it then would have). The judge decided that the case was undefended and gave judgment for the plaintiff. This was one case out of many showing that the avowed dissident from theism was virtually outlawed.<sup>4</sup> The *Catholic Tablet* emphasised this view strongly at the time.

The first steps he took in the Parliamentary episode are clearly not deserving of censure. He had indeed the precedent of Mill taking the oath in 1865 "on the faith of a Christian"; and the terms of the oath had meanwhile been changed to "So help me God." But apart from ordinary grounds of honesty, his opinions were known throughout the country, and had been used against him during the Northampton election of 1880. The orthodox were eagerly expecting to denounce him as a hypocrite. He was at first assured that he could make an affirmation, as the law by this time enabled him to do in a law court, but a Select Committee of the Commons decided (5 to 4) against this. Here, indeed, many men might have felt justified in leaving the matter to public opinion; but Bradlaugh was too much of a fighter to acquiesce in such a slow-working

<sup>1</sup> His *Life* (Mrs. Bradlaugh Bonner and Mr. J. M. Robertson), London, 1894 (W. A. Hunter). I am indebted to this work for most of the following facts.

<sup>2</sup> On avowing that he had been convinced by certain arguments in a debating society against religion, he was turned away from home when only seventeen at the instigation of the local parson. In 1822 J. S. Mill assisted in distributing neo-Malthusian pamphlets. The police interfered at the time, but I am not aware that this was ever brought up against Mill in after life.

<sup>3</sup> I have heard of professional men being seriously injured even in quite recent years by the open declaration of their opinions.

<sup>4</sup> I do not use the word "atheist" here (though Bradlaugh invariably did so), because the variety of such terms does not affect the issue. Bradlaugh was consistently attacked on the ground that disbelief in other-worldly sanctions has a pernicious influence on conduct. I shall examine this view more closely in a later chapter. But the growing disbelief in hell among the orthodox, and the agnostic notion of a future state being improbable and unverified by revelation or otherwise, cannot be said to differ materially in their influence on conduct from naked and unadorned atheism. I cannot see why one who disbelieves in theism should necessarily object to being called an Atheist.

agency, and he said that he was legally bound to take the oath. His action undoubtedly had very interesting results and stimulated men to look at the matter logically. Thus, in the following July, a Bill to exclude Atheists was unsuccessfully introduced, and in 1883 the Society for the Suppression of Blasphemous Literature also unsuccessfully set out to prosecute Messrs. Huxley, Tyndall, Swinburne, Spencer, Morley, Dr. Martineau and the publishers of Mill's works.<sup>1</sup> The debates in both Houses brought to the surface interesting relics of medieval ideas, such as that atheism meant treason to Queen Victoria, and polite remarks on the dealings of Providence with "infidel" France and the United States.

The eloquent speeches of Bright and Gladstone at length had some effect. In 1886 Lord Peel, then Speaker, allowed Bradlaugh to take the oath, and two years afterwards Bradlaugh carried an Affirmation Bill.

The view of the opposing party, who wished to maintain the persecution of unbelievers, has been put in its most plausible form by the late Sir James Stephen in his book on *Liberty, Equality, and Fraternity*, which appeared in 1874.

It is unnecessary to deal with the utterances of such an unimportant "ghost of the Cæsars" as Gregory XVI. in the first half of the century, or with the reactionary utterances of bigots like Manning at the end of it.<sup>2</sup>

<sup>1</sup> Sir James Stephen gave it as his legal opinion that any man who lent such a book as Comte's *Philosophie Positive* to a friend was liable to prosecution. I cannot help thinking that Sir James was consciously writing as *advocatus diaboli*; if so, it certainly gives pungency to his remarks.

<sup>2</sup> Manning, in his *Religio Viatoris*, revived the medieval idea that unbelief is a wilful act of moral perversity. Thus he writes: "These men would rather commit intellectual suicide than acknowledge their Maker"; and in 1876, with regard to Spanish Protes-

The modern Catholic view seems have adopted something like Dr. Arnold's optimistic fatalism.<sup>1</sup> But Sir James Stephen put the case for the regulation of opinion by the State as logically and cogently as it ever can be put.

He begins by demonstrating (1) that the State can never be neutral in religious matters; (2) that religion and morality cannot really be separated. I shall discuss each of these vital propositions in two later chapters. Here, for the sake of argument, I will admit the latter premiss, as Sir James, for the sake of argument, assumed the possibility of theism being untrue.

The question then comes to this: Is it possible or right for the State to gag the expression or propagation of opinions likely to injure the social fabric? It may be thought that the successful prosecution of Mr. Bradlaugh and Mrs. Besant for attempting to persuade the poor not to breed children whom they cannot feed, answers both questions in the affirmative. I cannot think so. The problem was bound to arise, though it is not yet satisfactorily solved, and the principle (if any) of that particular prosecution was that such a discussion should not be held on the housetops, and that it might inflame the passions of the young.<sup>2</sup> But Sir Leslie Stephen's illustration of the cordon of police guarding Pall Mall vividly shows the impracticability of any attempt to destroy a "poisonous opinion," since

tants, he maintained that if religious unity already existed in a State, the State ought to preserve it by persecution. The attitude of most liberal clergymen in our day is that "error is a disease" (*vide Tolerance*, by Phillips Brooks, London, 1887).

<sup>1</sup> *Oxford Addresses* (Rickaby), 1897.

<sup>2</sup> It is interesting to note that Sir George Jessel in 1878 deprived Mrs. Besant of the custody of a young child, which had been agreed to by her husband, on the ground of her holding "atheistical opinions" and "having published an obscene book." Such reasons would hardly, I think, have the same weight now.

such opinions are generally the inferential part of a large body of truth already admitted by thinking men. "To remedy a morbid growth," he writes, "you have applied a ligature, which can only succeed by arresting circulation and bringing on mortification of the limb."<sup>1</sup>

If, however, it were practicable (and this some may assert), is it *right* for the State to suppress the utterance of what men believe to be true? Assuming that men who realise that three angles of a triangle are equal to two right angles are more likely to steal and bear false witness than others who do not, is the State justified in preventing a demonstration of this proposition? If so, it should use no half-measures.

Sir James Stephen asserted that unbelief in a future state in any case made life poorer and pettier; and at the time of writing his book, *Liberty, Equality, and Fraternity*, unmistakably thought that it would shake the foundations of society. He did not seem to realise, or perhaps did not choose to deal with, the fact that social and intellectual honesty is a very essential part of morality.

To thine own self be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.

If men quibble with themselves in closing their eyes to all but one side of ultimate questions, they immediately weaken the great qualities of courage and honesty in proximate affairs. Such a habit of mind can only produce that virtue of "excremental whiteness" which dares not face really important facts. Such persons would flinch, both in self-

examination and in forming opinions of others, in the face of personal considerations.

As Sir Frederick Pollock points out in an essay entitled *Ethics and Morals*, the breakdown of a fictitious reason for a precept (which must occur sooner or later) endangers the precept itself, and morality itself is unprogressive if identified with superhuman sanctions.

But even if the acceptance of rational sanctions were to administer a temporary shock to believers, I cannot think that morality would permanently be injured either on its higher or lower side. It often seems as if the intellectual conditions of medieval Catholicism must have made the good life easier than it is now. The heavenly powers, the mighty communion of saints and the eternal city of God were much more vivid to the medieval mind than they can be to the modern Christian. Yet the medieval moods of spiritual exaltation and millennial panics coincided with an ethical system inferior to our own in public and private virtues.

The arguments I have combated would have justified the civil power in using every possible means to ensure the stationary condition of that society both in the active and contemplative life. To do it justice, it did its best by fire and sword to prevent change. History satisfies most men that this action, however natural, was both wrong and futile.

It is, however, admitted by many who call themselves Christians that religion and morality are not inseparably connected (although they would generally qualify this by saying that in the last resort morality rests upon religious sanctions); for while a religious creed is a theory of man's relation to the universe, a moral code *per se* merely embodies a theory of the relations between man and man. The point is not unimportant, because neither the State nor the community

<sup>1</sup> Essay on "Poisonous Opinions" in the volume entitled *An Agnostic's Apology* (London, 1893). The illustration is that one could not keep small-pox out of Pall Mall by putting a cordon of policemen at each end to keep out persons with an actual eruption. But I believe this method was once tried with the same object in an American city.

can afford to tolerate widespread deviations from the observance of those rules on which the very existence of society depends. Even if religion is no more than "a collateral security for virtue," the State is not likely to dispense with it in a hurry. I propose, therefore, to examine the alleged interdependence of religion and morality in the following chapter.

## CHAPTER VI.

### RELIGION AND MORALITY

IN approaching this thorny subject I must precisely define the meaning I attach to the terms "civic" and "individual morality." By "civic morality" I mean that part of conduct which relates to other citizens and is regulated by the appointment of State penalties for the transgression of it. By "individual morality" I mean that other part of conduct which relates to dealings with individuals apart from the common tie of citizenship, and which is punishable by no penalties but those which can be socially inflicted through the agency of public opinion. The distinction, though useful, is perhaps artificial, and certainly cannot be absolute. In both cases, the dominant code is that of a majority over-ruling the variations of individuals or groups.

In the "incoherent homogeneity" of primitive societies such a distinction cannot be said to exist at all. Custom, religion and morality are entirely identified. Other-worldly penalties cannot differ in kind from the coercive jurisdiction of the tribal chief, for the future life is merely a shadowy continuation of the life on earth. The whole conduct of the individual is regulated by the coercive jurisdiction of the tribe.

This is likewise true of the Jewish theocracy and of the "parochial Sinai" in Hellas, as a mere perusal of the Old Testament, of Plato's *Republic*, or of Aristotle's *Ethics* and *Politics* at once demonstrates. Korah, Dathan and Abiram may have been faultless examples of domestic virtue; but that would not in any case have prevented their being cut off from all Israel. Alcibiades might have testified to the chastity of Socrates with the most Attic eloquence without altering the decision of the judges who condemned Socrates. The identification of the citizen and of the individual is typified well enough in the connection Aristotle establishes between his *Ethics* and *Politics*. A similar state of things prevailed at Rome, where the civic virtues were paramount. The obscene passages in Latin literature have produced the popular impression that what we should call individual morality did not exist in Rome at any period, in the sense that unbridled lust and cruelty were normal in the Roman citizen. This is partly because northern races seldom make sufficient allowance for differences of race and climate when they judge southern sensuality, and partly because we do not enough realise the inconceivable



difference between a civilisation essentially based on war and slavery and our own. But were this impression correct, it is hard to see how the moral elevation of a Lucretius, the almost feminine tenderness of a Virgil or the exemplary domesticity of a Cicero could have sprung from such a soil.<sup>1</sup>

There were, too, numerous ways in which individual morality was regulated by the State: I need only instance the sumptuary and matrimonial legislation.<sup>2</sup> Yet a sentence of Cicero shows the growing separation of individual morality based on religious sanctions from civic morality based on legal sanctions: "Quam multos divini supplicii metus a scelere revocavit, quamque sancta sit societas civium inter ipsos Diis immortalibus interpositis tum iudiciis tum testibus."

Even in Greece Critias, the famous oligarch and a pupil of Socrates, had had a glimmering notion of this. He attributed the origin of religion to the need of the State to control secret transgressions by inculcating supernatural terrors.<sup>3</sup>

<sup>1</sup> It is true that Cicero's matrimonial relations were chequered, but his letters show very pleasant traits in him as a husband.

<sup>2</sup> Dr. Westermarck makes some most suggestive remarks as to the progressive liberty of marriage—e.g., between persons of different religions—and shows how this liberty has steadily increased in history vide his *History of Human Marriage*, 2nd edition, pp. 375, 376).

<sup>3</sup> Critias was afterwards one of the thirty tyrants. The lines run as follows, and are taken from his *Sisyphus*:—

δοκεῖ πυκνὸς τις καὶ σοφὸς γυνῶνιν ἀνηρ  
γρῶναι δέον θνητοῖσιν, ἐξευρεῖν ὅπως  
εἴη τι δαίμα τοῖς κακοῖσι κὰν λάθρα  
πράσσωσιν ἢ λέγωσιν ἢ φρονῶσι τι  
ἐντεῦθεν οὖν τὸ θεῖον ἐσσηγήσατο  
ὥς ἐστὶ δαίμων ἀφθίτω θάλλων βίῳ  
ῥῶπ' ἄκουων καὶ βλέπων φρονῶν τέ καὶ  
προσέχων δὲ ταῦτα καὶ φύσιν θείαν φορέων  
ὅς πᾶν τὸ λεχθὲν εἰς βροτοῖς ἀκούσεται  
ὅς ῥῶμενον δὲ πᾶν ἰδεῖν δυνήσεται.

—(Quoted from St. John Thackeray's *Greek Anthology*.) The gist of this passage is that

This separation became explicit in medieval civilisation, where the Church, and not the State, exercised a coercive jurisdiction over individual morality—for example, in matrimonial matters and in the uprooting of heretical opinions. Of course no man consciously separated the two, for both aspects of conduct necessarily merge, and in our own time the civic ideas of legislation are often brought into harmony with individual ideals of conduct as enforced by public opinion.

With the decay of medieval religion and of the medieval Church, and with the revolutionary ideas of Protestantism, a general decline in morality came to pass. The *flammanitia moenia mundi* seemed to have disappeared, and with them all restraints on conduct. Civic morality as between statesmen was almost eclipsed in the European history of the fifteenth and sixteenth centuries. Writers like Sismondi have shown that the Machiavellian spirit was assuredly not confined to Florence or Italy. Yet Machiavelli defends individual as opposed to political morality. Here is Luther's testimony of the effect of his own doctrines on individual morality in Germany: "No sooner did our Gospel arise and get a hearing than there followed a frightful confusion.....every man at his free pleasure would be and do what he listed in the way of pleasure and license, so that all law, rule and order were utterly overthrown; this is, alas, all too true. For licentiousness in all ranks.....is now much greater than formerly, when the people, and above all the rabble, was

religion was devised by some acute person to reinforce civil government because an all-seeing and all-knowing God will detect secret transgressions that would escape the notice of merely human policemen. Cf. also the 10th Book of Plato's *Laws*, where he discusses at length the uses of theology to the statesman and the dangers of heresy. *Inter alia* he denounces citizens who practise religious rites in their own houses.

generally held in fear and restraint; whereas now it lives like an unbridled horse and does whatever it would without apprehension";<sup>1</sup> and Luther's own views of the disadvantages of monogamy and of male and female chastity generally would, I imagine, much scandalise the modern Lutheran.<sup>2</sup>

The net results of the secularisation of politics were, as I have tried to show, (1) that the State came to content itself with the profession of undenominational Christianity on the assumption that without it civic morality could not survive; and (2) that the new Churches, after the first theocratic stage of their existence, regulated individual morality to a much smaller extent than the Catholic priest had done through such an institution as the confessional. There were indeed survivals of the old idea, such as Roger Williams's stipulation that the magistrate should deal with secret sins and take cognisance of the complaints of servants,<sup>3</sup> or, the theocratic argument that the magistrate must be able to deal with religion because he can deal with morality; and both "equally relate to.....spiritual interests." Spinoza, too, held strongly in his *Tractatus Theologico-Politicus* that, though opinion should be free, men should conform to the religion of the State; but he qualified this by the explanation that religion should be held to consist more of good works than of faith.

It is, I think, worth while attempting to explain the significance of the slow process by which the sphere of individual freedom is enlarged and the sphere of government differen-

tiated. The great basis of all civilisation is the calculability of the average citizen, for until he becomes calculable such a thing as public security cannot be said to exist. It cannot be adequately maintained even by a *régime* of martial law, for that does not ensure the safety of traders or travellers over a large area. Consequently every man goes about armed to the teeth, and recourse may be had at any moment to sheer force, as in early Californian communities. Such a condition of society necessitates a tribal jurisdiction.

The recognition of a distinction between Church and State modifies the necessity for this. The State works upon the fear inspired by the self-defensive weapons of society, and the Church employs the fear of the supernatural. This double machinery is reinforced by the natural kindness and social instincts of mankind, without which the State would be a mechanism instead of an organism, and the Church merely the preserve of a powerful priesthood. But while the State has appealed primarily to the instinct of self-preservation, the Church has also done much to keep alive the altruistic sense, and even occasionally served the cause of free speech, as in the case of Sir Thomas More and Henry VIII. Thus it has also often lain with the Church—especially in medieval Europe—to develop the spontaneous morality of the individual, which is only made possible, but not directly fostered, by the State. But the Church was enabled to do this only in so far as the terrors of her ultra-terrestrial jurisdiction paled before the powers of the priest to nullify such penalties by the elaborate machinery at his disposal. It was not until the nineteenth century, however, that men began openly to surmise that they might rely enough on each other's sense of mutual benefit to dispense with imposing conditions of creed on citizen-

<sup>1</sup> Quoted by Mr. Robertson from Walch's edition of Luther's Works, v. 114.

<sup>2</sup> Luther experienced a strong reaction against the Catholic preference of celibacy to marriage, in which many modern thinkers would sympathise with him. There is no more reason why saintliness should be associated with physical abnormality than with neglect of cleanliness.

<sup>3</sup> Cf. p. 49.

ship. For the nineteenth century witnessed two great changes of opinion—(1) the utilitarian conception of politics, and (2) the decline of the belief in hell.

(1) The utilitarian conception of the State, whether ultimately true or false, has at least impressed men's minds with the conviction that social science advances very much in the same way as the other sciences, and that its inferences can be progressively applied to the art of living in political society, as, for example, the inferences of physical science can be applied to improving the art of locomotion. This theory tends to support the conjecture that moral progress has generally lagged far behind the sciences and arts, largely because the urgent necessity of a moral code that shall be properly observed has been of such importance that men have feared to subject moral problems to the common test of reason, and have, therefore, preferred to invoke the crushing weight of authority for the support of moral sanctions by associating them with the truth of general propositions that may not be attacked on their own merits. Thus, too, it would be possible to argue that the very great moral progress of the last century and a half was due to the application of rationalistic tests to contemporary standards of conduct. If morality did really depend on purely other-worldly sanctions, the religious changes of the last fifty years would by now have dissolved society at large. Whether sceptical or not, most men have come to see that the observance of public order and the respect for legality serve the best interests alike of the individual and of the community, and even the great intellectual and political upheaval of the French Revolution scarcely upset this conviction for more than a decade. Such knowledge, when popularised, at once enlists reasonable men on the side of properly constituted authority,

and also makes them very loth to risk a period of anarchy, even in order to attack a radically mischievous Government, backed by great resources. An excellent example of how this principle works is the slavery question. The Church never prevailed upon men by disapprobation or coercion to give up slavery or serfdom, least of all in medieval times, when her influence was strongest. In the nineteenth century there were found clerical apologists for the institution in all parts of the United States. The problem then began to be considered in its economic aspects, and among others Mr. Cairnes showed very lucidly in his book on the question that slave-labour roused opposition in the United States, because it was causing widespread waste of soils. The discovery that slavery did not pay produced a very great effect, just as men needed the existence of perjury laws to make them more unwilling to take the name of God in vain.<sup>1</sup>

(2) On the other hand, the great bulk of educated Christians have ceased to believe in the tortures of hell, though a certain kind of priest will always use bogeys to attain a proper respect for their fetishes.<sup>2</sup> Thus I have come across a recent book by a member of the Society of Jesus, which informs the reader that sinners in hell will have asbestos souls to ensure their burning for eternity.

But in this country at least there seems to prevail a feeling in the pulpit akin to the notion of Omar Khayyám's pots :—

He's a good fellow, and twill all be well.

<sup>1</sup> It would be unjust not to notice the efforts of Zachary Macaulay and other English philanthropists in the beginning of the nineteenth century; but their motives were entirely humanitarian, and not primarily religious.

<sup>2</sup> Cf. Selden's *Table-talk*, on "Damnation," where he points out that an alarmist surgeon impresses a patient much more than an "honest, judicious chirurgeon" who should recommend an "ordinary medicine."

Even in other ages the attitude of most men, except those like Bunyan and Cowper, in regard to their own prospects, seems to have been happily expressed by Charles II.'s remark, "God will not punish a man for taking a little pleasure by the way,"<sup>1</sup> or Heine's last *mot*, "Dieu me pardonnera ; c'est son métier."

Though I would not altogether deprecate the growing tendency to disbelief in eternal punishment, yet the belief in the ultimate salvation of all men has the obvious defect of ignoring some of the most tragic facts of human life. Does experience justify men in relapsing into this easy optimism, or are we not constantly being impressed with the sense of finality in all we do and even say, of the inevitable and inexorable results of the most seemingly insignificant word or act? The doctrine of eternal punishment possesses, like all other religious dogmas, a symbolic value, which is not easily dispensed with till we can substitute for it some other equally convincing expression of the underlying truth.

It is easy to emphasise this aspect of the change, but there is a far better side to it. We are beginning to see the truth of Spinoza's idea that real morality is unaffected by thought of reward and punishments, present or future.<sup>2</sup> Nor, indeed, is it probable that conduct has ever been influenced so much as we think by the prospect of getting a *bonus* beyond the grave for services rendered. It is precisely where conduct is not thus influenced that morality begins. Long ago

Omar Khayyám wrote: "He in whose heart is fired the lamp of love hath neither hope for heaven nor fear of hell."<sup>3</sup> And the same idea emerges in Browning's poem of *The Confessional*. Indeed, if such convictions were ever certain in the sense of the conviction in this country that Consols are a gilt-edged investment, the road to heaven would be paved with the company promoter's communion-plate, and the priest would be, as he virtually was in ancient Rome, a kind of celestial stockbroker.

It is clear that, if we respect acts of individual morality more than acts of civic morality for the very reason that civic morality is regulated by State penalties, so moral acts done irrespectively of other-worldly sanctions ought to be regarded as more admirable than acts done with those motives in view, though probably such acts are rare, and the average man is primarily restrained by blind terror of the law, and only secondarily by his ideals. I think that it would be generally admitted that civic morality can stand apart from the theistic belief. Even Sir James Stephen, who denied it in 1874, wrote in the *Nineteenth Century* for June, 1884, that if religion is given up "I do not see either that life will become worthless, or that morals, in particular will cease to be." He only argued that the "mystical and emotional" part of morality will go—*i.e.*, the ethics of Christianity and of deified self-sacrifice.

The word "self-sacrifice" is unfortunately a little ambiguous. It must not be confused with mere asceticism. The higher meaning of the word I take to be the self-dedication of an individual to his own ideal, even to the point of dying for it. Now, to some extent the true glory of the death endured by the Founder of Christianity has been obscured by the

<sup>1</sup> Recorded in Bishop Burnet's *History of His Own Times*.

<sup>2</sup> Sir Leslie Stephen has summed up the problem in a few words: "That such (*i.e.*, external) sanctions (*e.g.*, capital punishment) are essential to society, that they provide a shelter under which true morality may or must grow up, is obvious.....But ultimately morality means nothing but the expression of character itself" (*English Utilitarians*, London, 1900, vol. iii., p. 34).

<sup>3</sup> Justin McCarthy's translation.

juristic theory of the atonement and by the Oriental theory of self-mortification. But there is self-sacrifice of the purest kind in the death of a Socrates, suffered in homely fashion, merely for refusing to repudiate the inner voice that guided him. And numberless examples of the same kind might be cited, such as the stand of Thermopylæ. Whatever "mystical and emotional morality" there is in the world will probably live as long as human nature itself.

This is not the present attitude of most thinkers who separate religion and morality. They will admit that civic morality not only appeals to self-interest, but has also become spontaneous and habitual, yet they hold that individual morality will not last beyond a generation or two of sceptics, after which time the *vis inertiae* of Christianity will have spent itself. This is even the view of so profound a thinker as Mr. Goldwin Smith.

To this it may be replied that religion generally implies the "surrender of the moral to the meta-physical," and that Christianity in particular has had to go through many strange transformations, and has been adapted to the ethics of an industrial civilisation among peoples entirely alien to the race to whom it was in the first instance preached. In fact, modern Christianity includes a bewildering number of conflicting ethical systems, whether they are to be found in Eastern, Northern, Southern or Western Europe, Asia Minor or across the Atlantic. We may be told that this signifies not that ethical additions were made to Christianity at widely different times in widely different lands, but that the fact shows the universality and permanence of the Christian Church itself. Those who would so argue would seem to ignore the fact that any given generation of men usually agree in ethical questions, however much they

disagree in theological speculation. For morality is a matter of usage, and religion a matter of temperament.

The general question at issue is more germane to my subject than at first may appear. For as the civic ideals of legislation are improved by the public opinion formed through individual morality, so individual morality is ultimately important to the welfare of the State; and the State negatively sanctions the code of public opinion by the attitude taken up towards such matters as the unrestricted sale of alcoholic liquors, the existence of disorderly houses, etc.<sup>1</sup>

Putting aside, then, the belief in hell, would the decline of a belief in a personal God and a future life be fatal to individual morality in a few generations? Those who have answered this question in the negative have been derided for setting up the service of man as the aim of the individual. They have been asked whether they would spare a coal-scuttle for the sake of a posterity who will have no coals, and what their efforts would count, if our planet were to be destroyed to-morrow by a sudden collision with a vagrant comet. Such writers might well be asked why they take the trouble to educate themselves or their children, when

<sup>1</sup> In his *Anticipations*, London, 1902, Mr. H. G. Wells seems to think that a process of what he calls "moral segregation" will set in, and that the State will cease to interfere in "private morals," just as a man's religious belief has ceased to be part of his social life and has become part of his individual life (pp. 135 and 136). Reading the book as a whole, however, I conclude that Mr. Wells is chiefly thinking of sexual morality, and that in his opinion the State will concern itself less and less with delicate problems of this kind. Yet even here he predicts that the State will strictly insist on the proper training of children, and will kill men with indisputably transmissible diseases, who knowingly transmit them to posterity (pp. 299 and 300). Tribunals that would endeavour to try such offences would, however, rather resemble those described in Mr. Butler's *Erewhon*.

they might be carried off to-morrow by typhoid fever or run over by a hansom-cab. It cannot be supposed that any human education would be of much use in an existence where, as Charles Lamb lamented, knowledge would come by the "unfamiliar process of intuition."<sup>1</sup> Moreover, it must be clear to most students of human history that the individual can no more avoid the service of man in the next generation than he can avoid being the product of all the generations that have gone before. The life of the individual merges in an immense link of causation.<sup>2</sup> The physical law of "conservation of energy" equally applies to human achievement and to the history of the race on its ethical side, as preachers on the influence of the individual have often pointed out. There is a parable recorded in Carlyle's notebook of a hen who struck laying eggs for her owner, whereupon the owner wrung her neck and bought eggs from the nearest dairy.

The service of man is indeed necessary in the sense that its neglect by the individual destroys the individual's best chance of the highest happiness. Even the criminal genius, like Cæsar Borgia or Napoleon I., who must have obtained much intellectual happiness in sweeping away the ordinary barriers of conduct, might have gained a more lasting and a less precarious happiness in working inside these barriers. This simple truth admirably appears in Goethe's *Faust*, who never succeeds in obtaining any satisfaction in life or sense of reality till he finds himself co-operating with his fellows.

The question has been raised a little differently by writers like Mr. Mallock, who maintain that life is not worth living without some kind of theistic belief. But the question is

nearly always stated wrongly—*i.e.*, on the assumption that we have had any conscious experience of any existence other than our present life. These writers do not confine themselves to the data of the problem or put the proper question—*i.e.*, is it worth our while to continue living under the conditions we find ready made for us? Most healthy men, whatever opinions they may have entertained, have thought fit to answer this question in the affirmative.

The eloquent utterances of writers like Mr. John Morley on the possibility of a rational morality have often been described as cold and above the level of the ordinary man. In such a passage at the end of his magnificent chapter on Rousseau's *Vicaire Savoyard* he defines religion as "our feeling about the highest forces that govern human destiny."<sup>3</sup> Now I think that the whole history of religion shows that this definition essentially touches the feeling that most really religious men have had in the bottom of their hearts; I exclude, of course, the hair-splitting of theologians, the self-seeking desire of priests for a temporal and spiritual tyranny over laymen and the politician's unscrupulous adherence to formulæ which he thinks expedient.

The greatest religious teachers of mankind, Confucius, Buddha, Jesus Christ, St. Francis of Assisi, George Fox and in our own time men like Howard, Wilberforce, and Tolstoi, have all chiefly emphasised the ethical side of religion. Such religious conceptions as the Fatherhood of God have been most valuable in propagating such ethical ideas as the brotherhood of man. Jesus Christ expounded the connection between these two aspirations as pointedly as any religious teacher has ever done.<sup>4</sup>

<sup>1</sup> Essay on *New Year's Eve*.

<sup>2</sup> This idea has been exhaustively worked out by Mr. Kidd in his *Principles of Western Civilisation*.

<sup>3</sup> Rousseau, by John Morley, London, 1896, p. 278.

<sup>4</sup> Matthew vii. 22-23 and xxv. 40-45.

Professor Clifford analysed religion into three elements—a belief, a ceremonial cult and a body of precepts to guide human conduct. The essential part of religion has, I believe, been the last, and religions have survived only so far as they were capable of being adapted to a progressive morality. The first part has satisfied those intellectual needs which now find a partial satisfaction in scientific research and hypotheses, and the second has ministered to those eternal emotions and aspirations of mankind in regard to life and love and death which now tend to find expression in all forms of secular art—especially music. It would perhaps be rash to believe that theistic religion will necessarily decline. The unfortunate forecasts of the great Roman writers in the early days of Christianity should be a permanent warning against any venture to prophesy on such a subject. The curve may be too large for us to infer anything from the past or present. For aught I know, "General" Booth may be remembered when Queen Victoria has become a solar myth. I only believe that in the last few centuries men have come gradually to the implicit conviction that, so far as ultimate things are concerned, we see through a glass very darkly, and that, should this tendency continue, ethical and political progress need not suffer by it.

There are two very strong objections against my opinion that require an answer. In the first place, evolutionary inferences have led thinkers like Huxley into such verbal inconsistencies as that in his Romanes Lecture on "Evolution and Ethics," where he remarked that we, who are the product of the cosmic process, *i.e.*, the struggle for existence, must now turn round and modify it; but how is a product in process of production to modify its producer? Surely the capacity for co-operation is quite as implicit in the constitution of the

universe as the capacity for competition, whether manifested in the co-operation of the cells in the human organism or of the units in human society.<sup>1</sup> On the other hand, it has led thinkers like Nietzsche into hysterical aspirations for the return of a "tooth and claw" existence in order to produce an *Uebermensch*. It has, however, been wisely demonstrated that morality consists not in opposing nor in abolishing but in humanising the struggle for existence.<sup>2</sup> By allowing the degenerate to die out,<sup>3</sup> and by bettering the lives of the coming generation, it is possible to achieve humanely what the Nietzsche school would snatch at brutally. The difference is like that between the abolition of monarchy in France and the achievement of the Reform Bill in England.

In the second place, it is beyond doubt that for those to whom religious teaching has ever been at all real the shock of its loss must involve a moral risk of a temporary kind; just as the decline of medieval religion caused a temporary outbreak from moral restraints in sixteenth-century Germany. Benjamin Franklin, whose naturally prosaic mind was probably too much influenced from the first by the theological notion of future rewards and punishment, frankly confesses that scepticism in his case produced such an effect.<sup>4</sup>

<sup>1</sup> This may perhaps be too antithetical a criticism, but Professor Huxley undoubtedly meant to emphasise the fact that the action of environment on the individual is necessarily accompanied by a reaction of the individual on his environment.

<sup>2</sup> *Vide Contemporary Review*, August, 1893.

<sup>3</sup> It may be urged that hospitals tend to preserve artificially the physically degenerate. This is a necessary element in humanising the struggle for existence; but it only delays and does not prevent the natural death of physical degeneracy. Hospitals are also an invaluable aid to medical research.

<sup>4</sup> See his *Autobiography*. It is rather a case of "*parturiunt montes*," for he seems only to refer to some indiscretions in London.

In spite of the spontaneous habit which individual morality becomes with good training, there must come crises when all seems dark and the former beacons no longer give visible guidance. A labour of love appears to have been turned into a labour of respectability. The sense of a divine presence, which gives a standard for the ideal self, has to be replaced by the inspiring memories of our heroes, our friends and of the social group to which we choose or happen to belong. Self-respect remains as vital for all practical purposes, but for the moment a habitual prop is lacking. Such cases are not so frequent as may be thought, for real religious feeling is, on the whole, peculiar to the more sensitive types of human nature. But they have to be taken into account.<sup>1</sup>

<sup>1</sup> An instructive confession is contained in the following extract of a letter written in 1866 by the late Professor Huxley to Charles Kingsley (quoted in his biography):—"Kicked into the world, a boy without guide or training, or with worse than none, I confess to my shame that few men have drunk deeper of all kinds of sin than I. Happily, my course was arrested in time before I had earned absolute destruction—and for long years I have been slowly and painfully climbing, with many a fall, towards better things. And when I look back, what do I find to have been the agents of my redemption? The hope of immortality or of future reward? I can honestly say that for these fourteen years such a consideration has not entered my head. No, I can tell you exactly what has been at work. *Sartor Resartus* led me to know that a deep sense of religion was compatible with the entire absence of theology. Secondly, science and her methods gave me a resting-place independent of authority and tradition. Thirdly, love opened up to me a view of the sanctity of human nature, and impressed me with a deep sense of responsibility" (*Life and Letters of Thomas Henry Huxley*, London, 1900, p. 220). I venture to think that this is a sufficient answer to the frequent suggestion that heresy is adopted by heretics to cloak their moral aberrations from themselves. So far as I have been able to see, the Agnostic type is often more colourless and puritanical than that of the average believer. I have observed far more piety of temperament and more religious emotion

Yet I cannot see why such an eclipse need be more permanent in the individual than it is in the whole. Few would deny that nothing is heard of the moral depravity of those who have had a purely secular upbringing. Such an environment sometimes seems to leave the imagination like that of a child who has never been allowed to read fairy stories. But the temptations of life do not appear to affect them more than others. As Voltaire long ago wrote, the Jews were respectable enough without belief in personal immortality, and, as he might have added, have left a legacy of the sublimest ethical aspiration to mankind.

If the fabric of theistic belief is to die out slowly, I see no reason for fearing the destruction of moral sanctions, though no doubt certain ethical conceptions would change and are changing—e.g., in regard to the criminality of suicide or the conditions of the marriage tie. Theism is now frequently assumed to be the bed-rock of all religious speculation in all ages. It is no less possible to imagine that it may clothe, though with less opaque vestments, even greater truths. Theism must necessitate the assumption that the mind of God does not change, but the alleged revelations of the divine mind given to men differ from each other *tole* *celo*. How are we to reconcile the teachings of Buddha, Confucius, and Mohammed in this connection? Theism certainly cannot.

The considerations I have put forward in this chapter are not new. Such

among inebriates *et hoc genus omne* than among more conventional classes of humanity. I do not mean to scoff at the genuineness of religious emotions, but only to show that often the religious temperament is too rich in emotion to be as well balanced as that of the emotionally anæmic Rationalist. Since writing this note I find an analogous suggestion put forward by Professor William James in his *Varieties of Religious Experience*, London, 1902, p. 387.



opinions are very generally held, though they are not printed in journals like the *Times* or the *Spectator*.<sup>1</sup> But the next generation will undoubtedly have to reckon with, and possibly act upon, them, and their partial acceptance to-day satisfactorily explains the negligible position of theological problems in modern politics as com-

pared, for instance, with the importance of theological disputes in the Byzantine Empire or medieval Europe. In the following chapter I shall try to show that the State really does concern itself with what it genuinely conceives to affect the welfare of the community.

<sup>1</sup> The real, though tacit, intolerance of the English Press is due only to the conventional association of a nebulous acquiescence in untruths with wealth and respectability.

## CHAPTER VII.

### TWO RIVAL THEORIES OF THE STATE

ONE of the most salient features in the struggle for toleration is the unavailing effort of its advocates to minimise the functions of the State and to substitute a dual for a single idealism, to assert the freedom of the individual to be guided by his own ideals or by the ideals of an association of individuals independent of the State. Thus, Milton's plea for toleration is nothing more nor less than a plea for individual liberty—in thought and speech, if not in action. The hostility of the State to this individualism was probably the element underlying the condemnation of socrates and the persecution of the Christian Church, as I have before suggested.

The most enduring States have never been those in which men were really convinced that the State only existed as a corporate policeman. Men have always claimed a sanction or the State which appeals to their highest convictions, and in deeply religious ages they have accordingly claimed, and probably will ever claim, or the State a religious sanction.

The "good life," for which Aristotle declared the State to exist, must necessarily, in religious periods of history, include belief in supernatural religion as an essential part of itself. For the State has a double aspect, in so far as it represents the community at large as well as the police machinery for keeping order.<sup>1</sup>

<sup>1</sup> For this reason I think Mr. Kidd's distinction between the State and society is a little artificial. He maintains that toleration is based on a "conviction of responsibility in the human mind transcending the content of all interests within the limits of political consciousness." He then traces the separation of Church and State, and toleration itself, to the revolt of the individual against the ephemeral sanctions of the State—*e.g.*, he particularly praises Hobbes for having marked off the domain of positive law from the region of ethics, in which there continued to be involved the larger and fundamental principles of society as a whole. And he quotes Burke's definition of "society," as if it necessarily excluded the State: "Society is a partnership not only between those who are living, but between those who are dead and those who are to be born." Whether or not the State has always tended to represent no more than police machinery, I believe that in the

I need not refer again to the conditions of primitive society, of ancient Greece and Rome, of the Jewish and Mohammedan theocracies and of the Frankish and Byzantine Empires. There are, however, the beginnings of an attack on the exclusive authority of the State, even in Greece and in Rome. The distinction, for example, that Aristotle draws between the "good citizen" and the "good man" is very significant, especially when he concludes that the two types can only completely coincide in the ideal State.<sup>1</sup>

It is also very interesting that he should think it the duty of the individual to conform to the State to which he belongs, and become a good citizen at the expense of being a good man. This would seem to condemn the sublime utterance of Antigone in the Sophoclean tragedy, when she justifies herself on the ground of a law higher than the civil law for having performed funeral rites for her brother against Creon's orders:—

οὐ γὰρ δὲ μοι Ζεὺς ἦν ὁ κηρύξας ταῦτα  
οὔδ' ἡ ἑνοίκιος τῶν κάτω θεῶν Δίκη,  
τοιοῦδ' ἐν ἀνθρώποισιν ὤρισεν νόμους  
οὔδ' ἐθέλειν τοσούτων ὠμίην τὰ σα  
κηρύγμαθ', ὥστ' ἀγραπτά λίσσασθαι θεῶν  
νόμῳ δύνασθαι θνητῶν ἐνθ' ὑπερδραμεῖν  
οὐ γάρ τι νῦν γε κἀχθὲς ἄλλ' ἀέι ποτε  
ξῆ ταῦτα κόνιδες οἶδεν ἐξ ἔδου φανη.<sup>2</sup>

future it will tend more and more to represent society as a whole and its best aspirations, and that it will embody in itself many of the functions hitherto exercised by the Churches, though perhaps in a much more general and broad fashion (*Principles of Western Civilisation*, London, 1902, p. 459).

<sup>1</sup> Aristotle, *Politics*, Bk. vii., 1-3. Vide Jowett's note in the second volume of his edition of the *Politics*, pp. 255, 256. It seems almost as if Aristotle shrank from openly praising any kind of individuality or of individual existence which should be in any way isolated from the common life of the State. Like most of his predecessors, he probably felt that the stream of civic life should have no backwaters of individualism.

<sup>2</sup> *Antigone*, ll. 450, κ.τ.λ. "For it was not Zeus that had published me such an edict; not such are the laws set among men by the Justice who dwells with the Gods

The same individualistic tendency appears in Stoic philosophy and is in no way obscured by the cosmopolitan theory embodied in the Stoic fiction of the *Jus Naturæ* which had such an important influence on Roman law.

The Roman juriconsults made law a deduction from the principles of Stoic philosophy and attributed a fictitious antiquity to it. Thus one of them writes: "Plainly the law of nature is older than the civil law, which the nature of things brought forth simultaneously with the human race."

The *Jus Naturæ* was deduced from the Stoic principle that every rational individual (or *persona* as opposed to *res*) was an end and a law to himself. The law connecting an aggregate of such individuals was primarily to determine how the freedom of each might be consistent with the freedom of all. The Stoic also prided himself on being a cosmopolitan, and on being a citizen of the world.<sup>3</sup>

The Christian view not only pushed the idea of the individual as a law unto himself much further, but also set up the notion of a collective association independent of State sanctions. The sketch of the persecution inflicted on the early Christian Church I ha-

below; nor deemed I that thy decrees were of such force that a mortal could override the unwritten and unfailing statutes of heaven. For their life is not of to-day or yesterday, but for all time, and no man knows when they were first put forth" (Jebb's translation).

<sup>3</sup> As I am only dealing with the purely individualistic side of the Law of Nature, it would be irrelevant for me to discuss its history and how much of its origins can be traced in Aristotle and earlier philosophers. This is exhaustively done by Mr. Bryce in his essay in the second volume of his *Studies in Jurisprudence* (London, 1902). He writes: "Seen from the side of ethics and psychology, it represents the tendencies and habits of the typical good man who desires to treat his neighbour as he would wish to be himself treated" (p. 143).

already given shows how impossible it was for Rome to tolerate such a movement. It is noticeable also how the conception of the State by Christian writers alters with history. In the period of persecution they insist that the State is not concerned with religion, and, as events changed, finally come to regard the State as a great engine to enforce religious unity.

It must also be remembered that, in the earlier history of the Church, the expectation of the immediate coming of Christ made believers think mainly of supernatural things. The medieval heresiarchs revived the idea of a direct communication of the individual believer with God, and this individualism is particularly noticeable in the aloof, though not strictly heretical, *Imitatio Christi*.

The revived study of Roman law showed itself not only in the justification of national monarchy, as in the case of Philip the Fair, but also established a sharp antithesis between secular and ecclesiastical, or, as it was called, Civil and Canon, Law. It was this intellectual movement that manifested itself in the *Defensor Pacis* of Marsiglio, which I briefly analysed at the beginning of the fourth chapter. His two ruling ideas were, as I there pointed out, that the State is concerned neither with matters of religion nor of individual morality, which come under the "law of God" and are to be altogether settled by other-worldly authority. His notions were pushed to their extreme limits by the Anabaptists and later by the Quakers; but, in regard to the rest of the world, the original teaching of Christ was even now too far advanced for it, and religion had become inextricably interwoven with the *cadres* of political society.

The Reformation brought to birth two partial reversions curiously illustrating the spiral aspect of history. Calvinism was essentially an

attempted reversion to the Judaic theocracy, and the Erastian system was essentially an attempted reversion to the Greek and Roman conception of the State. The parochial or imperial became a national Sinai.

The Reformation, however, forced men to see that the State could take a purely political view of individual religion and could leave it unmolested, so long as individual views did not on the one hand clash with citizenship of the State, or on the other hand undermine civic morality. Two thinkers in the sixteenth and seventeenth centuries respectively seemed to forecast the idea of the State prevailing in our own day; I refer to More and Spinoza.

The Oxford Reformers, More, Colet and Erasmus, were curiously rationalistic no less in their treatment of Scriptural criticism and of the ethics of war than in their writings on toleration. More, in his *Utopia*, diagnoses with marvellous exactitude the social ills of his time, and his suggested remedies have been to some extent realised. Though he would not tolerate atheism, he was apparently prepared for his ideal commonwealth to tolerate any kind of theism, and to leave much in the way of speculation and conduct to the individual. Yet he undoubtedly could never have subscribed to any *laissez-faire* conception of the State.

Spinoza touches on toleration in two treatises, the *Tractatus Theologico-Politicus* and the *Tractatus Politicus*.<sup>1</sup> In the former treatise he emphasises the necessity of obedience to the State, and argues that God can only rule through the civil power. Yet "piety and religion" should be held to consist in good works—*i.e.*, in the exercise of charity and justice alone—every one being left in all other particulars to follow his own opinions. Indeed, the State exists to promote freedom of

<sup>1</sup> The latter was found in manuscript after his death.

speculation; for otherwise men who find their opinions regarded as crimes conspire against the civil power. But the enunciation of seditious theories on religious grounds cannot be tolerated. To ensure this Spinoza took care to keep the clergy out of any share in the government or administration of the State.

In his *Tractatus Politicus* he descends more to detail. The *patricii* or aristocrats are to be of the same religion, "simplicissimæ et maxime catholicæ." The dissenters from the State religion are to be allowed "tot templa ædificare, quot velint, sed parva et certæ ejusdam mensuræ."

It is curious to notice both in Spinoza and More the advocacy of toleration combined with a high ideal of the State. Milton, Leibnitz, Puffendorf, and Locke (to mention only a few names) maintain toleration not on a basis of comprehension, but on a basis of pure individualism. This tended to leave the guidance of public opinion and individual morality very much in the hands of the Churches. I believe that the altered ideal of the State within the last seventy or eighty years is largely due to the Quakers and Evangelicals having obtained an accession of political power after the Reform Bill of 1832.

Advocates of toleration like Macaulay and Mill<sup>1</sup> certainly held an utterly different view of the State to that which is generally advocated by thinkers like the late Professor T. H. Green, Charles Pearson, Sir John Seeley, Dr. Caird, Sir Frederick Pollock and Mr. Bosanquet.<sup>2</sup>

<sup>1</sup> It is significant that Mill in his later writings laid much more stress on the expediency of State interference—e.g., in promoting an equality of property which would raise the standard of life and discourage wasteful industry.

<sup>2</sup> These writers unite in ascribing to the State functions which were formerly monopolised by the Church and in repudiating the early Radical notion of the State.

Thus Macaulay, in his essay on Gladstone's *Church and State*, proceeds to enumerate the absurd consequences of admitting that the State should interfere with religion. He indignantly asks: "Why should they (*i.e.*, the powers that be) not take the child away from the mother, select the nurse, regulate the school, overlook the playground, fix the hours of labour and of recreation?" etc. What would he have said to the School Board organisation, or to legislation on "half-timers"? A remarkable change of front has taken place. The State in its promotion of "good life" recognises morality, but is disinclined to commit itself as to religion. Yet it has more and more come to be regarded as a "partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection." Similarly, Professor Green thought that the State's function was to ensure the realisation of the best self, and that the individual only found scope for his best activities in the State.

I shall not attempt to deal with the socialistic movements, because it would lead me too far afield; nor have I ever seen any clear and authoritative exposition as to what particular tenets all Socialists agree upon in theory or in practice—though they all do seem to agree on the general principle that the State should in certain ways do its utmost to promote the moral, intellectual and physical welfare of all citizens. But the famous saying, "We are all Socialists now," the recantation of the *laissez-faire* idea by Mill in his later years, and the talk about

Sir John Seeley's view of what he calls the "Natural Church" would certainly not commend itself to most members of most Churches, and its chief value lies in the additional functions that he would like to see taken up by the modern State. This "Natural Church" is to be essentially national, and also to inculcate the international culture of modern civilisation.

Christian Socialism, all seem to indicate that certain sides of the socialistic ideal harmonise with the spirit of the age, to which, indeed, the more passive groups of Socialists trust for the fulfilment of their aspirations.<sup>1</sup>

Charles Pearson, who could certainly not be accused of socialistic sympathies, suggested in his great book on *National Life and Character*<sup>2</sup> that the State is beginning to displace the Churches in its hold on public opinion without menacing individual freedom as Churches have done. Thus (p. 231), "the trust of citizens in the justice of human society grows stronger as the powers of the State are enlarged"; and (p. 238), "the religion of the State is surely as worthy of reverence as any creed of the Churches, and ought to grow in intensity year by year."

But it will, perhaps, be thought that this ideal of the State will enable it to interfere with the individual as much as the Church has done and as some socialistic writers appear to wish. So far as Socialism tends this way, I believe the tendency to arise from the military despotism of conscription, which has familiarised the Continental Socialist with the loss of all individual liberty by the conscript while he is on service. Under such conditions individual morality would

at once be nipped in the bud and reabsorbed into the sphere of civic morality, which is hardly morality at all. It must be remembered that the State acts primarily through legislation, and legislation does not directly concern itself with moral motives, however much it may be influenced by them. Such sanction as the State lends to public opinion is not explicit and positive, but implicit and negative. Legislation does nothing more than sweep away obstacles to right-doing and protect men as far as possible from liability to wrong-doing. There is here all the difference that exists between putting up a railing on a high tower to protect sightseers from vertigo and erecting a cage to prevent their committing suicide.<sup>3</sup>

With this problem, however, I am not directly concerned; but with another I am. We see men of all creeds and opinions uniting on the necessity of certain measures in social legislation. The State takes cognisance of their union, but not of their differences. What is its religious attitude to be in the present and in the future? I shall discuss this in the next and last chapter.

<sup>1</sup> The late Professor Ritchie, in commenting on this, classified modern Socialism as follows:—(1) Antagonistic to the State as at present constituted—*e.g.*, collectivism apart from the State. (2) State Socialism, including Municipal Socialism.

<sup>2</sup> London, 1893.

<sup>3</sup> The late Professor Ritchie, in his *Principles of State Interference* (pp. 26-28), shows very conclusively that the strength and resources of the modern State promote freedom of the individual more than anything else, especially in liberating him from the tyranny of voluntary associations (*e.g.*, joint stock companies, etc.) within the State. On p. 155 *ibid.* he quotes Mr. Mann's remark: "The State guarantees him (*i.e.*, the individual) his individuality, which society with its self-seeking struggle of competitors tends to efface."

## CHAPTER VIII.

## THE RELIGIOUS ATTITUDE OF THE MODERN STATE

SIR JAMES STEPHEN declared, in his book on *Liberty, Equality and Fraternity*, that religious neutrality was impossible for the modern State. He argued that, since 'all government has, and must of necessity have a moral basis, it must necessarily also have a religious basis', and hence he inferred that the separation of Church and State not only injured both institutions, but also was a "covert act of unbelief."

I have tried to show that the connection between religion and morality is not so intimate as Sir James Stephen argued, and in contemporary Britain, at all events, there seems periodically to be a strong feeling against the principle of an Establishment.<sup>1</sup> It has been discarded in Ireland, and is now being attacked, though perhaps only by a minority, in Scotland and in Wales. The High Church party would be inclined, on the whole, to subscribe to Mr John Morley's sentence in *Compromise*. "While the

spirit of man expands in search after new light, and feels energetically for new truth, the spirit of the Church is eternally entombed within the four corners of Acts of Parliament."<sup>1</sup> In fact, they might endorse the next few pages of the book, demonstrating that any establishment is fatal to the advance of truth.

On the side of the State the real theory of an Establishment has been abandoned. The Church enjoys a certain social prestige as compared with Nonconformist bodies, but its affairs are ultimately settled by a civil body, whose members may be for the most part Jews, Nonconformists or Agnostics. Arnold Toynbee did indeed revive an idea akin to Coleridge's, that, since religion is one of the highest activities of man, it ought to find a national expression, but the realisation of such an ideal does not necessarily involve an Establishment.

One might, however, go further, and ask why religion should be more national than international. Nationality, as a limit of ideas, is fast disappearing. Patriotism means, in its best sense, the wish to defend a continuity of national ideas and ideals; but modern Europe has very many ideas and ideals outside those which are strictly national, and even national aspirations are being cosmopolitanised.

Two main arguments are usually advanced against the possibility of the State being religiously neutral: (1) That the examples of modern France and Italy show that a government, if non-religious, must be anti-

<sup>1</sup> The late Professor Ritchie wrote the following note on this sentence, which I think I may be allowed to quote: "I doubt very much if the Disestablishment movement is growing at present in spite of the noise of the Liberation Society. In Scotland I think it has decidedly gone back. Disestablishment agitation is one of the causes why parties in Scotland have altered in strength so much since 1880, and surely the Church of England is much stronger now than it was twenty or thirty years ago. Toleration (the abolition of tests in universities, etc.) has on the whole diminished its unpopularity. Again, has not the change from the old-fashioned *laissez faire* Liberalism to the new semi-socialistic Liberalism helped to make the idea of a State Church less strange than it seemed to the Bright and Cobden period?" In Scotland the Established Church is said to be more progressive and less narrow than the others.

<sup>1</sup> *Op cit*, 1896, pp 37 and 38

religious ; (2) that disestablishment is a "covert act of unbelief."

(1) The first objection assumes that all religions must necessarily be bound up with party politics. The Catholic Church, especially since the rise of the Jesuits, has tended more and more to introduce the methods of party politics into religious matters ; and in both France and Italy the priests have identified themselves with the political opposition. Again, in neither of these countries is there the respect for freedom of action and opinion that there is in England. Consequently, I believe that the present state of things in both countries is more accidental than essential. But the general question here raised is perhaps more complex. Law must be supreme, and "no religious belief is any answer to a breach of the law." I do not think, for reasons that do not belong to this part of the discussion, that secular education need be considered as any breach of the State's religious neutrality, though compulsion to civil marriage and prohibition of ecclesiastical marriage certainly would be.<sup>1</sup> But there are obvious things which the State cannot tolerate, just as immoral but religious practices are not tolerated in British India. The State obviously cannot tolerate things which are detrimental to the "good life" of the citizen, such as the risk of life contained in such practices as those involved by the belief in "Christian Science," or the conscientious refusal of a minority to comply with certain legal regulations of health, which affect the whole community.<sup>2</sup> Again, its neutrality may be shown in the determination to prohibit aggressive blasphemy, and to protect the decent observance of religious rites by all.

Such an attitude may be attacked

as savouring of utilitarianism in regard to religion and of the idea that the people must be kept in a proper state of mental torpor and lulled by supernatural opiates. The last twenty years have, however, changed all that. Sceptical propaganda have spread far and wide through the lower middle class. This the modern believer does not prevent by coercion, because he sees well enough that the State must "stand by and see fair play," and that any other action on its part would entail revolt. This is even the attitude of Great Britain to Anarchist propaganda, though never, of course, to Anarchist action or direct incitement to action. The same attitude would also, I imagine, be approved of by the fiercest of Atheists. Such questions are no longer to be settled by sword and bludgeon.

(2) Now, this attitude was stigmatised by Sir James Stephen as "a covert act of unbelief." He said the State could only adopt one of three alternative courses, and act on the assumption that either (a) some one religion is true and all others false, or (b) that more than one religion is respectable and to be favoured by the State proportionately, or (c) that all or some religions are false. Of course, this statement involves the premiss that the "good life" cannot be non-religious—i.e., non-theistic. I quite hold with the modern ideal of the State, but I do not see the necessity of its issuing a religious *pronunciamiento* as things now are. Indeed, a modern Cabinet could hardly do so.

It is obvious that proposition (a) involves the principle of Establishment, and (b) a compromise with it ; while (c) involves not neutrality, but hostility, in regard to religion.

Moreover, Sir James Stephen unnecessarily assumes that many neutral acts are hostile to religion—e.g., secular education. Secular education of itself seems to me an essentially

<sup>1</sup> Sir James Stephen classes both as essentially anti-religious measures.

<sup>2</sup> In 1902 Wilhelm II. suppressed all spiritualistic séances and Christian science healing in Berlin.

neutral settlement. To compel all children to an Anglican or theistic education is to interfere with the feelings of Nonconformist or Atheistic or Catholic parents, just as to prohibit parents from applying corporal punishment within reason would be to invade the sphere of individual morality. The religious education of the child is properly lodged with the parents and with any religious minister or Atheistic lecturer whom they may choose for the child's instruction. If the priest complains that parents are indifferent to religion, he should employ persuasion with those parents, and not invoke the State to insist on his being entrusted with the tuition of the child.<sup>1</sup>

Now, how far is it true to call the neutrality of the State a "covert act of unbelief"? The word "scepticism" is often used as if it meant a certain conviction—*e.g.*, that thought is only a function of the brain. If scepticism, etymologically or philologically, means anything at all, it means suspension of judgment. Huxley's position was in theory sceptical; Bradlaugh's position was

Atheistic. The one necessitated a definite conviction, the other perhaps did not. "Unbelief" is used to cover both attitudes, Atheistic and Agnostic. Stephen obviously used it to mean Atheistic. I think that the future attitude of most European States will be Agnostic, but not necessarily Atheistic. Yet the Agnostic position is only practicable so long as men are convinced that morality can be independent of theistic religion, and this involves a certain hostility to the claims of revealed religion; for the Agnostic formula, "I do not know," really amounts to "I cannot know, and therefore I do not think it is worth pursuing the subject further." The Agnostic attitude would hardly become a son who heard his father accused of forging a cheque, but felt he had no means of properly examining the evidence for and against his father. Moreover, it is obvious that, if a religious revelation is to be unreservedly accepted, the only logical consummation of it is a theocracy of some kind. On such an assumption rested the whole fabric of ancient and medieval civilisation.

The Reformation of sixteenth-century Europe brought about a settlement recognising that there might be some reasonable doubt as to the claims of a Visible Church interpreting Revelation. The nineteenth century has seen a general adjustment of civil and ecclesiastical relations which is based on doubt as to the claims both of revealed and natural religion, and has greatly emphasised the purely mundane and ethical side of both.

Yet it must be remembered that none but the few ever realised the logical and spiritual import of such changes. The scepticism of the many was essentially implicit. In the sixteenth century few men realised the inevitable necessity of a real schism till the meeting of the Council of

<sup>1</sup> We are not likely to achieve this solution in Great Britain so long as educational questions are debated merely with the view of saving odd pence here and there through keeping up institutions like voluntary schools. These schools are often admirable, but they ought to be defended on different grounds. Yet English writers are incessantly blaming French legislation on education, which at least betrays a genuine interest in arranging what sort of education will train the best citizens, even though it questions the wisdom of the average parent as compared with the wisdom of the average State. No political party in England seems honestly to face the fact that children are not trained to good conduct by being told that a particular course of action is wrong because it displeases God, though they may be greatly influenced by being told that it will cause pain to others or themselves. A most deplorable amount of cant appears almost daily in the Press on this point.

<sup>2</sup> Or, more literally, "looking about" (for certainty).



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Irent, and in nineteenth-century England the recognition of real intellectual freedom was not brought home to the minds of most men till the Bradlaugh episode.

The existence of such recognition is sometimes construed into the fallacy that opinions have nothing to do with conduct, and that religion has nothing to do with politics. We may admit that the man of action will often be unable to formulate an abstract theory of his motives, and as often acts largely by the twilight of sub-conscious inference; and we may similarly admit that politicians cannot spare much time to the compilation of handbooks such as Frederick the Great's *Anti-Machiavel*. But if opinions have no connection with conduct or religion with politics, we may as well cease altogether to think and to aspire.

The truth is that there is a state of opinion which I have ventured to call *implicit scepticism*, where action precedes the conscious avowal of its motives. When Cromwell admitted men of different sects into his army, he did not say to himself, "Religious differences have no meaning or importance compared to the regeneration of my country"; but the idea that many of such differences were comparatively unimportant assuredly lay at the back of his mind. Similarly, modern statesmen do not dismiss theological interpretations of the universe as meaningless, though they do confine themselves to the certain and tangible problems of modern politics. But if we were all convinced that the will of God could infallibly be ascertained through the agency of the Pope, by a majority in the House of Commons or by any other means, we should certainly welcome a return to unqualified theocracy.

In this way modern toleration is based on scepticism of one sort or another as to the exclusive claims

of any one religion to absolute truth, though, in matters which admit of no doubt, the State cannot afford to stand neutral so long as government exists at all. Similarly, in the case of a modern State, conscientious preachers and practisers of polygamy cannot be tolerated in a monogamous community, and this is only one example of many.<sup>1</sup> In fact, there can be little doubt that in young communities a limited persecution may have its uses, like a limited policy of protection. Mr. Cobb, in his *History of Religious Liberty in the United States*, points out that when complete toleration was established in Providence, Massachusetts, in the seventeenth century, it disintegrated the whole community. The colony lost cohesion, and the colonists the sense of citizenship.

But it must also be admitted that great progress has been made towards the establishment of a real toleration, which consists in ensuring a reasonable freedom of discussion and a possibility of all opinions being given a fair hearing. The best example of modern toleration is seen in the gradual enlargement of the scope of individual liberty. In the ancient State the individual was fettered in regard to matrimony and other personal matters to a degree that we hardly realise till we find that Aristotle even wished to regulate the deportment of the citizen.<sup>2</sup> In the modern State individual liberty of speech and action is inconceivably larger than that of the past, though there are signs of a reaction against this. Hence, there can exist a wide

<sup>1</sup> Professor Ritchie, in his *Natural Rights*, points out how little "Declarations of Natural Rights will protect individuals who do what is unpopular" (p. 160). Although any unbiassed person must see that a strong case might be made for polygamy, yet it is obvious that it would be almost impossible for any State to legalise both polygamy and monogamy.

<sup>2</sup> *Ethics*, lib. ii., iii., 25.

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diversity in the sanctions that mould individual morality, and the individual is not persecuted, like Socrates, when he advocates a new religion that is repudiated by a majority in the State. Tolerance in this sense can never be morally injurious to the community, as some writers have argued.

All this does not disprove the existence of a widespread scepticism in regard to the creeds of our grandfathers; the modification of the attitude taken up towards heresy, and more especially to suicide, is evidence of a new vogue of speculation and a new view of human obligations. But the advance in real toleration is co-operating with a tolerant scepticism towards the separation of Church and State.

The toleration of the present day is, therefore, largely conditioned by an implicit scepticism, which is potentially explicit. For example, if the mass of men to-day were to be persuaded that the claims of the Catholic Church were valid, an era of persecution would again set in, because there would be a resurrection of the conviction that the "good life" could not exist independently of theistic religion. Hence the whole history of toleration indicates a certain continuous tendency to doubt as to the claims of revealed religion, and toleration depends, if not on the continuance of this tendency, at least on there being no retrogression.

On the other hand, a greater prevalence of explicit scepticism would not interfere with toleration, though a rationalistic creed might well involve the State occasionally inflicting small fines in the police court on priests who frighten sick persons with fears of hell, just as it now pursues this policy with women who make money by telling domestic servants their fortunes. Men are quite prepared to see fair play between two sets of opinions when the result does not

vitality affect conduct, and they are gaining sufficient respect for one another not to overstep the decent bounds of controversy, at any rate in this country, as a comparison of theological controversy in our own day with that of the period between 1860 and 1880 well shows. It is clear, therefore, that the religious neutrality of the State in England is not only possible, but probable, and, considering that the United States and the English colonies recognise this principle, it will probably be the principle adopted for another century by the most progressive States in the world. For better or worse, the political machinery of the English-speaking races has already been extensively imitated and adopted, and probably will be still more so in the future.

This purely political solution is, however, not the last word in the matter, as Sir John Seeley pointed out in his book on *Natural Religion*. The State is bound to dissociate itself from the various demands of modern sectarianism, and to shake off the incubus of venerable, but dying, beliefs in the supernatural which have no really strong hold over modern communities.<sup>1</sup> This attitude of neutrality will no doubt endure until the leader of a new religion gives the modern world a gospel which will satisfy its ethical, philosophical and emotional needs.<sup>2</sup> Even

<sup>1</sup> Compare the description of the average Englishman's religion in the *Letters of John Chinaman* as "an atheism which he is not intelligent enough to avow."

<sup>2</sup> Modern publicists seem to ignore the possibility of a separation of Church and State being a purely transitional and not wholly satisfactory solution of the problem. Yet Church and State are, after all, merely different aspects of the community, just as the War Office and Foreign Office represent different aspects of the Ministry. Perhaps the nearest approaches to an ideal solution have been the kingdom of the Buddhist King Asoka and the great ideal of medieval Europe as expounded in Dante's *De Monarchia*.

## CONCLUSION

Now the State embodies the ethical ideals of the community. The exuberance of modern democracy in the first century of its birth has made some thinkers write of the State as if it were essentially unlovely; but, if democracy realises its best promise, our poets may yet write of their country as Pindar wrote of Athens and as Claudian wrote of Rome, and may feel for it "as a lover or a child." Nor need this attitude interfere with a cosmopolitan humanity such as inspired the great poets and philosophers of medieval Europe. It is to be hoped that we may rise above the conviction that sectarian and national animosities will never cease to prevail against nobler aspirations. To those of us who do not feel that our age is essentially one of transition the future of humanity must appear to be summed up in the last lines of Pope's *Dunciad* :—

Lo ! thy dread Empire, Chaos, is restored ,

Light dies before thy uncreating word ;  
Thy hand, great Anarch ! lets the curtain fall,  
And universal darkness buries all.

Our own generation may not, perhaps, emerge from the drab vision of things which we have inherited from the nineteenth century—an "unknowable" deity in the guise of an experimenting chemist, a universe full of purely mechanical ingenuities, a planet peopled with beings who devote their best energies to a futile evasion of the cosmic laws by prolonging their lives when they are no longer worth living.<sup>1</sup> Yet it is still possible, however vainly, to hope for an era when men may have obtained such a definite insight into the ultimate meaning of reality as will make them feel it unnecessary to mutilate the freedom of the human spirit, and when they may achieve a collective conception of essential truths which will appeal in some particular way to every individual.

<sup>1</sup> The closing pages of Mr. Herbert Spencer's *Autobiography* give a graphic picture of all this. The Hegelian reconstruction does not carry us much further, and we seem still doomed to regard the universe as "an unearthly ballet of bloodless categories." We can but console ourselves by the reflection that the adoption of reason as the only guide to speculation about ultimate things will progressively impress upon men the absurdity of killing or wounding each other to vindicate the truth of unverifiable hypotheses.

## CONCLUSION

I WILL merely recapitulate the causes of religious persecution that I have already enumerated, and summarise my inferences. I need hardly premise that such inferences must necessarily be subject to the "fallacy of simple enumeration," and must be taken as statements of historical observation, not as absolute and dogmatic propositions.

I. Toleration is impracticable before there exists some rift in the

identification of Church and State, creed and citizenship. Such a rift could not be said to exist before the existence of medieval Europe.

II. Such a settlement is impracticable except on a tacit understanding that the theocratic principle is not the presupposition of any social existence.

III. As long as civic morality and religion are at all associated by public opinion, it is a necessary measure of police to regulate religious discussion.

IV. The persecution of opinions, apart from their outward manifestation, arises from (a) the theocratic notion in its extreme form that religion must be propagated by the sword, (b) the idea of society being collectively liable to the gods for the offences of the individual, (c) the belief in other-worldly sanctions being so strong as to place great power in the hands of the clergy, who naturally repress attacks on their own power and privileges. Thus (a) prevailed in the Judaic, (b) in the Greek and Roman, and (c) in the medieval theocracies.

V. Granting the importance of other-worldly sanctions implied by IV. (c), and granting that the State exists to promote the good life of the citizen, the State ought to discourage, if not suppress, the ventilation of heterodox ideas.

VI. Hence the separation of Church and State necessitates an implicit scepticism as to any means existing for the apprehension of revealed religion as an absolute truth; but the converse of this is not true *E.g.*,

such implicit scepticism may exist in a country where an Establishment does not prevent citizenship being paramount as against membership of the established Church or creed.

VII. Similarly, the recognition that civic morality may exist without any belief in future rewards and punishments is (a) not only a sign of such scepticism being prevalent, if not explicit, but also (b) illustrates the way in which the State no longer interferes with individual morality.

VIII. This latter attitude of the State is strictly analogous to the religious neutrality of the State, and thus shows that the State can be religiously neutral, though this rarely occurs in history and would seem to be a fairly unstable equilibrium.

IX. But the State cannot tolerate religions which necessitate practices avowedly hostile either to its political existence or to what it considers the "good life" of the individual. Thus the Mormons were attacked both as constituting an *imperium in imperio* and as preaching and practising polygamy.



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